

1138

No. 3096

United States

1138

# Circuit Court of Appeals

For the Ninth Circuit.

LOST HILLS MINING COMPANY, a Corpora-  
tion, and UNIVERSAL OIL COMPANY,  
a Corporation,

Appellants,

vs.

THE UNITED STATES OF AMERICA,

Appellee.

## Transcript of Record.

Upon Appeal from the United States District Court for the  
Southern District of California, Northern Division.

FILED

JAN 3 - 1918



**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

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LOST HILLS MINING COMPANY, a Corpora-  
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**Transcript of Record.**

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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*In the District Court of the United States, for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Citation on Appeal.**

The United States of America,—ss.

To the United States of America, GREETING:

YOU ARE HEREBY CITED and admonished to be and appear at the United States Circuit Court of Appeals, Ninth Circuit of the United States, to be holden at San Francisco, California, on the 18 day of February, 1917, pursuant to an appeal filed in the Clerk's office of the United States District Court in and for the Southern District of California, Northern Division, Ninth Circuit, wherein the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, are appellants and the United States of America is respondent to show cause, if any there be, why the order and decree appointing Howard M. Payne receiver of the properties involved in the above-entitled suit should not be corrected and speedy justice should not be done to the parties on that behalf.

WITNESS the Honorable MAURICE T. DOOLING, Judge of said District Court this 19 day of January, in the year of our Lord one thousand nine hundred and seventeen and of the independence of the United States of America one hundred and forty-first.

M. T. DOOLING,  
District Judge. [4\*]

Due service of the within citation is hereby admitted and acknowledged on behalf of the United States this 19th day of January, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,  
FRANK HALL,  
Special Assistants to the Attorney General,  
Attorneys for Appellees.

[Endorsed]: In Equity—A-57-Eq. In the District Court of the United States for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Citation on Appeal. Filed Jan. 23, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. [5]

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\*Page-number appearing at foot of page of original certified Transcript of Record.

**Names and Addresses of Attorneys.**

For Appellants:

JOSEPH D. REDDING, Esq., and Messrs.  
MORRISON, DUNNE AND BROBECK,  
Crocker Building, San Francisco, Cali-  
fornia.

For Appellees:

ROBERT O'CONNOR, Esq., United States  
Attorney, Los Angeles, California;  
HENRY F. MAY, Esq., and FRANK  
HALL, Esq., Special Assistants to the  
Attorney General, San Francisco, Cali-  
fornia. [6]

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*In the District Court of the United States of Amer-  
ica, in and for the Southern District of Cali-  
fornia, Northern Division.*

IN EQUITY—No. A-57.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY, a Corpora-  
tion, and the UNIVERSAL OIL COM-  
PANY, a Corporation,

Defendants. [7]

*In the District Court of the United States for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. —

THE UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants.

**Bill of Complaint.**

To the Judges of the District Court of the United  
States for the Southern District of California,  
Sitting Within and for the Northern Division of  
Said District:

The United States of America, by Thomas W. Gregory, its attorney general, presents this, its Bill in Equity, against Lost Hills Mining Company and Universal Oil Company, the above-named defendants (citizens and residents, respectively, as stated in the next succeeding paragraph of this Bill), and for cause of its Complaint alleges:

**I.**

That each of said defendants now is, and at all times hereinafter mentioned as to it was, a corporation organized and existing under the laws of the State of California.

**II.**

That on and before the 27th day of September,

1909, the following described lands, to wit:

The Southwest Quarter (SW.  $\frac{1}{4}$ ) of Section eighteen (18) in Township twenty-six (26) South, Range twenty-one (21) East, Mount Diablo Meridian,— [8]

were a part of the public lands of the United States, and as such, the plaintiff was on that date, has ever since been, and now is, the owner and entitled to the possession thereof, and of all oil, petroleum, gas and other minerals therein contained.

### III.

On the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior, and under the authority legally invested in him so to do, duly and regularly withdrew and reserved all of the land hereinbefore particularly described (together with other lands) from mineral exploration, and from all forms of location or settlement, selection, filing, entry, patent, occupation or disposal, under the mineral and non-mineral land laws of the United States, and since said last-named date, none of said lands have been subject to exploration for mineral oil, petroleum or gas, occupation, or the institution of any right under the public land laws of the United States.

### IV.

Notwithstanding the premises, and in violation of the proprietary and other rights of this plaintiff, and in violation of the laws of the United States and lawful orders and proclamations of the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909,



mentioned in the preceding paragraph, and in disregard of, contrary to and by infringement upon, the general governmental policy adopted by the United States for the protection, conservation, disposal and use of the petroleum and gas contained in said lands and in other lands belonging to the United States, the defendants, Lost Hills Mining Company and Universal Oil Company, entered upon and took possession of the lands hereinbefore particularly described, long subsequent to the 27th day of September, 1909, but not prior thereto, for the purpose of prospecting and exploring for petroleum [9] and gas therein, and did so prospect and explore long subsequent to the date on which said lands were withdrawn, as hereinbefore mentioned, by said Withdrawal Order of September 27th, 1909.

#### V.

Neither of the defendants herein had discovered petroleum, gas or other minerals on said lands on or before said lands were withdrawn, as hereinbefore stated, by the Withdrawal Order made on the 27th day of September, 1909, as hereinbefore set forth.

#### VI.

Neither of the defendants, nor any person for them or under whom they claim, was, at the date of said order of withdrawal of September 27th, 1909, a *bona fide* occupant or claimant of said land and in the diligent prosecution of work leading to the discovery of oil or gas; and neither of the defendants after the dates of the respective entering upon said land, as hereinbefore alleged, and after beginning the prosecution of the work of drilling for oil and

gas, in violation of the order of withdrawal of September 27th, 1909, continuously and diligently prosecuted said work till oil or gas was discovered.

## VII.

Long after the lands hereinbefore described had been withdrawn from prospecting, exploration and entry, as hereinbefore set forth, by the order of September 27th, 1909, hereinbefore mentioned, to wit; in the spring of 1911, and not before that date, as plaintiff is informed and believes, the defendant, Lost Hills Mining Company or the defendant, Universal Oil Company, discovered petroleum on said land, and long after the 27th day of September, 1909, said defendants drilled an oil well thereon for the extraction and production of petroleum therefrom, and have in violation of the proprietary and other rights of the plaintiff herein, and in violation of the laws of the United States [10] and of proclamations and orders issued by the President of the United States, and particularly in violation of said order of Withdrawal of September 27th, 1909, and in disregard of, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection, conservation, use and disposal of petroleum and gas in said lands and in other lands belonging to the United States, and to the great and irremediable damage to the plaintiff, and to the great and irreparable injury to the lands hereinbefore described, and to other lands adjacent thereto and belonging to the United States, extracted and produced on the land hereinbefore described large quantities of petro-

leum and gas, but the exact amount and value of the petroleum and gas so extracted and produced, the plaintiff is unable to state.

#### VIII.

Of the petroleum and gas extracted and produced in the manner set forth in the preceding paragraph of this bill, large quantities have been converted, used and consumed by the said defendants, but as to the exact quantities of petroleum and gas so produced, converted, used and consumed, this plaintiff is here unable to state because it has no knowledge thereof and has no means of ascertaining the facts in relation thereto except from the defendants herein, and therefore a full discovery from said defendants is sought herein.

#### IX.

Said defendants are now trespassing upon said lands and asserting claims thereto, and are now threatening to, and will, unless restrained by the order of this Court, continue to unlawfully extract oil and gas from said lands, and to drill oil and gas wells thereon, and operate same, and extract, convert and appropriate, use, sell and dispose of oil and gas from said lands, and otherwise trespass upon said lands and commit [11] waste thereon to the great and irremediable damage of plaintiff, and to the great and irreparable injury and damage to said lands, and to other lands adjacent thereto and belonging to the United States, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection and conservation, use, and disposal, of the petroleum



and gas in said lands and in other lands belonging to the United States, and in violation of the laws of the United States and of proclamations and orders issued by the President of the United States, and particularly in violation of said order of September 27th, 1909.

## X.

Each of the defendants herein claim some right, title or interest to said land or some part thereof, or in the petroleum or gas extracted therefrom, and each of said claims is predicated upon, or derived directly or mediately from, some pretended locations, and notice or notices of mining locations, or otherwise, and by conveyance, contracts, or liens directly or mediately from the persons by whom such pretended locations are claimed to have been made. But none of such locations or notices of locations and claims is valid against this plaintiff and no rights have accrued to the defendants or either of them thereunder, either directly or mediately; nor have any minerals been discovered on said land except as hereinbefore stated; but said claims are asserted to cast a cloud upon the title of the plaintiff herein and wrongfully interfere with its operation and disposition of said land, to the great and irremediable damage of said plaintiff and to the great and irreparable injury of said land and other lands adjacent thereto and belonging to the United States; and the plaintiff herein is without redress or adequate remedy save by this suit, and this suit is necessary to avoid a multiplicity of actions. [12]

## XI.

Except as in this bill stated, the plaintiff has no other knowledge or information concerning the nature of any other claims asserted by the defendants herein, or either of them, and therefore leaves said defendants to set forth their respective claims and interests.

In that behalf, plaintiff alleges, because of the premises of this bill, that neither of the defendants has or ever had any right, title or interest in or to, or any lien upon, said land or any part thereof, or any right, title or interest in or to the petroleum, mineral, oil or gas deposited therein, or any right to extract petroleum, gas or other minerals from said land, or to convert or dispose of the petroleum or gas so extracted or any part thereof; on the contrary, the acts of these defendants who have entered upon said lands and drilled an oil and gas well thereon and used and appropriated the petroleum deposited therein, were all in violation of the laws of the United States and of the aforesaid order of withdrawal, and all of said acts are in violation of the rights of the plaintiff herein, and such acts interfere with the execution by the plaintiff of its public policies with respect to said lands and the petroleum and gas therein, as hereinbefore set forth.

## XII.

The present value of the lands hereinbefore described exceed Five Hundred Thousand Dollars (\$500,000.00).

In consideration of the premises thus exhibited, and inasmuch as plaintiff herein is without full and

adequate remedy in the premises save in a court of equity, where matters of this nature are properly cognizable and relievable, PLAINTIFF PRAYS:

1. That said defendants, and each of them, may be required to make full, true and direct answer respectively to all [13] and singular the matters and things hereinbefore stated and charged, and to fully disclose and state their claims to said land hereinbefore described, and to any and all parts thereof, as fully and particularly as if they had been particularly interrogated thereunto, but not under oath, answer under oath being hereby expressly waived.

2. That the said land may be declared by this Court to have been at all times from and after the 27th day of September, 1909, lawfully withdrawn from mineral exploration and from all forms of location, settlement, selection, filing, entry or disposal under the mineral and nonmineral Public Land Laws of the United States.

3. That said defendants, and each of them, may be adjudged and decreed to have no estate, right, title, interest or claim in or to said land or any part thereof, or in or to any mineral or minerals or mineral deposits contained in or under said land or any part thereof; and that all and singular of said land, together with all of the minerals and mineral deposits, including mineral oil, petroleum and gas therein or thereunder contained, may be adjudged and decreed to be the perfect property of this plaintiff, free and clear of the claims of said defendants and each of them.

4. That each of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually, may be enjoined from asserting or claiming any right, title, interest, claim or lien in or to the said land or any part thereof, or in or to any of the minerals or mineral deposits therein or thereunder contained; and that each of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually, may be enjoined from going upon any part or portion of said land, and from in any manner using any of said land and premises, and from in any manner [14] extracting, removing or using any of the minerals deposited in or under said land and premises, or any part or portion thereof, or any of the other natural products thereof, and from in any manner committing any trespass or waste upon any of said land or with reference to any of the minerals deposited therein or thereunder, or any of the other natural products thereof.

5. That an accounting may be had by said defendants, and each of them, wherein said defendants, and each of them, shall make a full, complete, itemized and correct disclosure of the quantity of minerals (and particularly petroleum) removed or extracted, or received by them or either of them, from said land, or any part thereof, and of all rents and profits received under any sale, lease, transfer, conveyance, contract, or agreement concerning said land or any part thereof; and that the plaintiff may recover from said defendants, respectively, all damages

sustained by the plaintiff in these premises.

6. That a receiver may be appointed by this Court to take possession of said land and of all wells, derricks, drills, pumps, storage vats, pipes, pipe-lines, shops, houses, machinery, tools and appliances of every character whatsoever thereon, belonging to or in the possession of said defendants, or either of them, which have been used or now are being used in the extraction, storage, transportation, refining, sale, manufacture, or in any other manner, in the production of petroleum or petroleum products or other minerals from said land or any part thereof for the purpose of continuing, and with full power and authority to continue the operations on said land in the production and sale of petroleum and other minerals where such course is necessary to protect the property of the complainant against injury and waste, and for the preservation, protection, and use of the oil and gas in said land, and the wells, derricks, pumps, tanks, storage vats, [15] pipes, pipe-lines, houses, shops, tools, machinery and appliances being used by the defendants, their officers, agents or assigns, in the production, transportation, manufacture or sale of petroleum or other minerals from said land or any part thereof, and that such receiver may have the usual and general powers vested in receivers of Courts of Chancery.

To the end, therefore, that this plaintiff may obtain the relief to which it is justly entitled in the premises, may it please your Honors to grant unto the plaintiff a writ or writs of subpoena, issued by and under the seal of this Honorable Court, directed



to said defendants herein, to wit: Lost Hills Mining Company and Universal Oil Company, therein and thereby commanding them and each of them at a certain time, and under a certain penalty therein to be named, to be and appear before this Honorable Court, and then and there, severally, full, true and direct answers make to all and singular the premises, but not under oath, answer under oath being hereby expressly waived, and stand to perform and abide by such order, direction and decree as may be made against them, or either of them, in the premises, and shall be meet and agreeable to equity.

THOMAS W. GREGORY,

Attorney General of the United States.

ALBERT SCHOONOVER,

United States District Attorney.

E. J. JUSTICE,

Special Assistant to the Attorney General.

A. E. CAMPBELL,

Special Assistant to the Attorney General.

FRANK HALL,

Special Assistant to the Attorney General.

[16]

United States of America,  
Northern District of California,  
State of California,—ss.

George Hayworth, being first duly sworn, deposes and says:

He is now and has been since the 1st day of February, 1914, Chief of Field Division of the General Land Office at San Francisco, California, and prior to that time was, since July, 1910, a Special Agent of

the General Land Office doing field work in California, and much of said work has been done in the investigation of facts relating to the lands withdrawn by the President as oil lands, and especially the lands withdrawn by order of September the 27th, 1909, and by the order of July 2d, 1910.

That from examination of such lands, or the facts in relation thereto obtained by him or by Special Agents acting under his direction as such Chief of Field Division, and from examinations of the records of the General Land Office, and the local land offices of complainant in said State of California, he is informed as to the matters and things as stated in the complaint with reference to the particular lands therein described; and the matters therein stated are true, except as to such matters as are stated to be on information and belief, and as to these, affiant, after investigation, states he believes them to be true.

GEO. HAYWORTH.

Subscribed and sworn to before me this 13th day of June, 1916.

[Seal]

T. L. BALDWIN,  
Deputy Clerk, U. S. District Court, Northern District of California. [17]

[Endorsed]: No. A-57—Eq. In the District Court of the United States for the Southern District of California, United States of America, Plaintiff, vs. Lost Hills Mining Company et al. Bill of Complaint. Filed Jun. 15, 1916. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. E. J. Justice, Attorney for Plaintiff. [18]

*In the District Court of the United States, for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Answer of Defendants.**

Now comes the Lost Hills Mining Company and the Universal Oil Company, the defendants in the above-entitled action, and answering the bill of complaint of the plaintiff herein, admit, allege and deny as follows:

**I.**

Answering paragraph II of the bill of complaint on file herein, said defendants deny that on or before the 27th day of September, 1909, the lands described in plaintiff's bill of complaint were a part of the public lands of the United States, and deny that as such, plaintiff was, on that date, and ever since has been, and now is, or was on that date, or has ever since been, or now is, the owner and entitled to possession thereof, or the owner or entitled to the possession thereof and of all oil, petroleum, gas and other minerals therein contained, or of all or any oil or petroleum or gas or oil minerals or mineral therein contained; and in this behalf the said defendants allege



that the lands described in said bill of complaint were duly located and entered upon and taken possession of by the said defendants, and [19] their assignors, and predecessors in interest, on the 13th day of February, 1907; that the said defendants furthermore allege that ever since the last-named date, the said defendants and their assignors and predecessors in interest have been in possession of said land and have been and now are entitled to the possession of said lands and to the possession of the oil, petroleum, gas and all other minerals contained therein, and now are the owners and entitled to the possession thereof, and of all oil, petroleum, gas and other minerals therein contained.

Further answering paragraph II of said bill of complaint, said defendants admit that the plaintiff holds the legal title to the property referred to and described in paragraph II of said bill of complaint, but deny that the plaintiff is entitled to the possession of said lands, or any part thereof, or to the possession of the oil, or petroleum, or gas, or all other minerals or to the possession of any mineral contained in said lands, and in this behalf said defendants allege that they are, and they and their assignors and predecessors in interest, ever since said 13th day of February, 1907, have been, entitled to the possession of said lands described in said paragraph II and to the possession of the oil, petroleum, gas and all other minerals therein contained, and the said defendants furthermore allege that they are the equitable owners of said lands and are entitled to the execution and issuance by the plaintiff of a patent

to them, the said defendants, conveying to them the legal title to said lands and to all the minerals contained therein.

## II.

Answering paragraph III of said bill of complaint said defendants admit that on the 27th day of September, 1909, the President of the United States withdrew and reserved certain land [20] from mineral exploration and from all forms of location, settlement, selection, filing, entry, patent, occupation or disposal under the mineral and nonmineral land laws of the United States, but deny that by said order the lands described in paragraph II of said bill of complaint, which said lands, as heretofore alleged, are in the lawful possession of these defendants, were in any manner affected, or that the rights of these defendants, or either of them, in or to said lands, were in any manner affected thereby, and deny that on the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior, and under the authority legally information and belief, and as to these, affiant, after vested in him so to do, or by any other authority, or at all, duly and regularly, or duly or regularly, withdrew and reserved, or withdrew or reserved, all of the lands described in plaintiff's bill of complaint, or any of them, together with other lands, or single or by themselves, from mineral exploration, or from any other kind of exploration, and from, or from, all, or any forms of location, or settlement, or selection, or filing, or entry, or patent, or occupation, or disposal, under the mineral or nonmineral land

laws of the United States, and defendants deny that since said last-named date, to wit, said 27th day of September, 1909, none of said lands described in plaintiff's bill of complaint have been subject to exploration for mineral oil or petroleum, or gas, or occupation, or the institution of any right under the public land laws of the United States, and in this behalf these defendants allege that in and by the terms of said order of withdrawal, it was provided that all locations or claims existing and valid on the date of said withdrawal, to wit, on said 27th day of September, 1909, might proceed to entry in the usual manner after field investigation and examination, and that [21] the lands described in paragraph II of said bill of complaint, at all times since said 13th day of February, 1907, have been and now are valid locations and claims within the meaning, purport and effect of the said proviso to the said withdrawal order.

### III.

Answering paragraph IV of said bill of complaint, said defendants deny that in violation of the propriety and other rights of the plaintiff, and in violation of the laws of the United States and the lawful orders and proclamations of the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909, mentioned in paragraph III of said bill of complaint, and in disregard of, and contrary to, and by infringement upon the general governmental policy adopted by the United States for the protection, conservation, disposal and use of the petroleum and gas contained in said lands, and in other lands belonging to

the United States, or in violation of the proprietary or other rights of the plaintiff, or in violation of the laws, or any law, of the United States, or lawful orders, or any orders, or proclamations, or proclamation, of the President of the United States, or particularly in violation of said order of withdrawal of September 27th, 1909, mentioned in paragraph III of plaintiff's bill of complaint, or any other order of withdrawal, or in disregard of, or contrary to, or by infringement upon, the general, or any, governmental policy adopted by the United States for the protection, or conservation, or disposal, or use, or any other purpose, of the petroleum, or gas, contained in said lands, or in any other lands, or land, belonging to the United States, said defendants, Lost Hills Mining Company and Universal Oil Company, or either of them, or anyone in their behalf, or their assignors, or predecessors in interest, [22] entered upon and took possession, or entered upon, or took possession, of said lands, particularly described in plaintiff's bill of complaint, or any part thereof, long, or at all, subsequent to the 27th day of September, 1909, for the purpose of prospecting and exploring, or prospecting or exploring said lands for petroleum and gas, or petroleum, or gas therein, or for any other purpose, and in this behalf said defendants allege that they, and their assignors and predecessors in interest, have been in the lawful possession of said lands since said 13th day of February, 1907, and did, on said 13th day of February, 1907, enter into possession, and have continuously ever since, held possession thereof, and have at all times since, prospected and explored said lands for petroleum and gas there-



in, long prior to the date of said withdrawal, to wit, said 27th day of September, 1909, and have at all times diligently prosecuted, and were on said date, in the diligent prosecution of work leading to the discovery of oil and gas upon said land and have continued in the diligent prosecution of said work until oil, petroleum and *has* were discovered upon said land in commercial quantities.

IV.

Answering paragraph V of said bill of complaint, said defendants admit that these defendants had not discovered petroleum or gas on said lands on or before said 27th day of September, 1909; but deny that said defendants, and their predecessors, had not discovered other minerals on said lands on or before the said date; and deny that they and their predecessors had acquired no right on or with respect to said lands on or prior to said date, and in this behalf the said defendants allege that their assignors and predecessors in interest, through whom these defendants deraigned their title, were, long prior to said order of withdrawal [23] of September 27, 1909, to wit, as early as December, 1908, continuously and diligently engaged in exploring and developing said lands for gas and petroleum and in the building of roads upon said lands, and upon adjacent lands leading to said lands, and in the maintenance of said roads, and in the construction, building, and erection of buildings upon said lands, and in the digging and construction of foundation trenches upon said lands, for the establishment of drilling rigs thereon, and in the purchase and bringing in upon said lands of rig timbers, and in the establishment of an equip-

ment plant upon said lands and upon adjacent lands for the development of oil, gas and petroleum upon said lands, and to be used in connection therewith, and in the transportation of water in and upon said lands, and in the establishment of a conduit system for water from adjacent lands onto said lands; that all of said last-enumerated development work and industry on the part of the said defendants and their assignors and predecessors in interest, continued from the month of December, 1908, throughout all of the years 1909, 1910 and 1911, and down to the present date. Defendants furthermore allege that they, and their assignors and predecessors in interest, continued to use uninterruptedly and continuously, said roads, said water conduits, said buildings, said rig timbers, said foundation trenches, and did establish their rights therein and thereon, and are doing so at the present time. That said defendants and their assignors and predecessors in interest have been in daily and actual possession and occupation of said lands from the year 1907 down to and including the present time, without interruption, and always with the continuous diligent industry and effort to discover oil, gas and petroleum upon said lands, and have, as a result of said continuous, uninterrupted and diligent industry [24] and effort, discovered and are producing oil, gas and petroleum in paying quantities upon said lands. Furthermore said defendants allege that they and their assignors and predecessors in interest, through whom these defendants deraigned their title, discovered a mineral, to wit, gypsum, on said lands, long before the 27th day of September, 1909, to wit, during the month of

December, 1908, and that by virtue of said discovery, and by virtue of the due posting and recording of a valid location notice, and by virtue of the performance of the annual assessment work and labor upon said lands, required by statute, and the due performance by them and their assignors and predecessors in interest of all of the requirements of the laws relating thereto, and by the continuous possession, occupation and industry looking toward and leading to the discovery of oil, gas and petroleum upon said lands, these defendants have acquired rights on and with respect to said lands, which said rights could not lawfully be and were not impaired by said withdrawal order of the 27th day of September, 1909, or by any subsequent withdrawal order.

V.

Answering paragraph VI of said bill of complaint, said defendants deny that said defendants, or any person for them, or under whom they claim, were not, at the date of said order of withdrawal of September 27th, 1909, *bona fide* occupants or claimants of said lands, or in the diligent prosecution of work leading to the discovery of oil or gas; on the contrary, these defendants allege that the defendant Lost Hills Mining Company was, at the date of said order of withdrawal, to wit, said 27th day of September, 1909, a *bona fide* occupant and claimant of said lands, and was in the diligent prosecution of work leading to the discovery of oil and gas, and in this behalf these defendants allege [25] that commencing with the month of February, 1907, and thence on during the years 1908 and 1909, the defendants, and their assignors and predecessors in inter-

est, from whom these defendants deraigned their title, were in the actual occupation of said lands, and were diligently and continuously industrious in developing said lands for gas, oil and petroleum. And in support of said last allegation, these defendants reiterate and refer to all of the allegations made by them in paragraph IV of this answer, and repeat the same. Furthermore these defendants deny that neither of these defendants, after the date of the respective entering upon said lands, or after beginning the prosecution of the work of drilling for oil and gas, or oil, or *has*, or in violation of the order of withdrawal of September 27th, 1909, continuously and diligently or continuously, or diligently, prosecuted said work till oil or gas was discovered. On the contrary, these defendants allege that they, and their assignors and predecessors in interest, through whom these defendants deraigned their title, did, from and after the date of entering upon said lands, to wit, from and after the said 13th day of February, 1907, continue in the diligent prosecution of said work till oil and gas were discovered. Defendants further allege that they, and their assignors and predecessors in interest, through whom these defendants deraigned their title, never prosecuted the work of drilling for oil and gas, or any mineral, in violation of the order of withdrawal of September 27th, 1909, or in violation of any order of withdrawal.

#### VI.

Answering paragraph VII of said bill of complaint, said defendants deny that long after the said lands had been withdrawn from prospecting, ex-



ploration or entry by the order of September [26] 27th, 1909, or at any time after the said lands had been withdrawn from prospecting, exploration or entry, or at any time after said lands had been withdrawn by the order of September 27th, 1909, or at any time after said lands had been withdrawn by any order, or at all, or in the spring of 1911, and not before that date, said Lost Hills Mining Company and said Universal Oil Company discovered petroleum on said land. On the contrary, said defendants allege that said lands never have been withdrawn from prospecting, exploration or entry, and never were, or have been, or are, withdrawn or affected at all by the order of September 27th, 1909, or by any order of the United States or any officer or department thereof. And said defendants furthermore allege that they, and their predecessors in interest, discovered petroleum, gas and other minerals on said land long before the 1st day of January, 1911, and acquired the possession, ownership and right to oil, petroleum and gas, and all other mineral on said lands at a time when the same were open for location, occupation and development as mineral lands under the mineral laws of the United States and in conformity thereto and therewith, and under the privileges and rights guaranteed to said defendants so to do by the laws of the United States. The said defendants admit that between the date of February 13th, 1907, and the present time, the defendants herein have discovered petroleum on said lands and have drilled numerous wells thereon, and have continued the drilling of numerous wells

thereon for the extraction of petroleum therefrom; but said defendants deny that they, or either of them, or their assignors, or their predecessors in interest, have, in violation of the laws of the United States, and of the proclamations and order issued by the President of the United States, and particularly in violation of said order of withdrawal of September [27] 27th, 1909, and in disregard of, and contrary to, and by infringement upon the general governmental policy adopted and declared by the United States for the protection, conservation, use and disposal of petroleum and gas in said lands, and in other lands belonging to the United States, and to the great and irremediable damage to plaintiff and to the great and irreparable injury to the lands described in plaintiff's bill of complaint, and to other lands adjacent thereto and belonging to the United States, or in violation of the laws, or any law, of the United States, or of the proclamations and order, or proclamations, or proclamation, or orders, or order, issued by the President of the United States, or particularly, or otherwise, in violation of said order of withdrawal of September 27th, 1909, or in disregard of, or contrary to, or by infringement upon, the general, or any governmental policy adopted and declared, or adopted, or declared, by the United States, for the protection, or conservation, or use, or disposal of petroleum, or gas, in said lands, or in other lands belonging to the United States, or the great, or irremediable, or any damage to the plaintiff, or to the great, or irreparable, or any injury to the lands, or any land, described in said bill

of complaint, or to other lands, or any lands, or land, adjacent, or otherwise, thereto, or belonging to the United States, extracted and produced, or extracted, or produced, on the land described in said bill of complaint, large or any quantities of petroleum and gas. Said defendants admit that they, and their assignors, and predecessors in interest, had not discovered petroleum or gas on said lands on or before the 27th day of September, 1909, and in this behalf said defendants allege that the said lands had not been withdrawn and were not withdrawn from prospecting, exploration and entry by the said order of September, 1909, and said [28] defendants allege that the said lands were not included and within the said land named in said last-named order of withdrawal, or in any order of withdrawal. Said defendants deny that the said defendants had not discovered oil or petroleum on said lands prior to the spring of 1911, and in this behalf said defendants allege that they, and their assignors, and predecessors in interest, acquired rights with respect to said lands long prior to the said 27th day of September, 1909, and had discovered a mineral, to wit, gypsum, on said lands long prior to said 27th day of September, 1909, to wit, in the year 1908. Said defendants further allege that the said defendant, Lost Hills Mining Company, discovered and developed oil and petroleum on said lands prior to the 1st day of January, 1911, and that for a long time prior to said discovery, and in fact from the month of December, 1908, and thence continuously, the said defendants, and their assignors, and their

predecessors in interest, through whom the de-raigned title, had been, and were in the actual possession, and continuously and diligently working upon and developing said lands previous to the discovery of oil, gas and petroleum thereon. Defendants furthermore allege that as a result of their actual possession and the possession of their assignors and predecessors in interest from and after said date of February 13th, 1907, down to and including the present date, and as the result of their continuous and industrious working upon and development of said lands, they have discovered and developed oil, petroleum, gas, gypsum and other minerals in paying quantities upon said land, and all in conformity with the laws, statutes and privileges granted to *bona fide* locators by the United States, the plaintiff herein.

## VII.

Answering paragraph VIII of said bill of complaint, said [29] defendants admit the allegations contained in said paragraph, but deny that the plaintiff has any right to a full or any recovery from said defendant, or either of them, of the amount of oil, petroleum, gas and other minerals developed, consumed, sold, produced, extracted and taken by said defendants out of or from said lands, and this defendant denies that defendants, or either of them, have converted any quantities or quantity of petroleum and gas, or petroleum or gas, extracted and produced, or extracted or produced on or from said land.



## VIII.

Answering paragraph IX of said bill of complaint, said defendants deny that said defendants, or either of them, are now, or at any time have been, trespassing upon said lands, or land, described in plaintiff's bill of complaint, and said defendants deny that they are now threatening to and will, unless restrained by order of this Court, continue to unlawfully extract oil and gas, or oil, or gas, from said lands, and in this behalf defendants allege that their extraction of oil and gas from said lands is not unlawful; said defendants deny that they, or either of them, will continue to convert oil and gas, or oil, or gas, from said lands, or otherwise trespass upon said lands, or commit waste thereon, to the great and irremediable or any damage to the plaintiff, or to the great and irreparable or great, or irreparable injury and damage, or injury, or damage, to said lands described in plaintiff's bill of complaint, and to other lands, or to other land, adjacent thereto and belonging or belonging to the United States, and contrary to, and by infringement upon, or contrary to, or by infringement upon, the general or any governmental policy adopted and declared, or adopted, or declared by the United States for the protection, and conservation, use and [30] disposal, of petroleum and gas, or for the protection, or conservation, or use, or disposal of the petroleum or gas in said lands described in said bill of complaint, or in other lands, or land, belonging to the United States, or in violation of the laws of the United States or of proclamations and orders, or

proclamations, or proclamation, or orders, or order, issued by the President of the United States, and particularly in violation of said order of September 27th, 1909, or particularly in violation of said order of September 27th, 1909.

These defendants allege that their extraction of oil and gas and their appropriation, use, selling and disposal thereof does not constitute any trespass upon said lands, or is a commission of any waste thereon, or constitutes any damage whatsoever to the plaintiff or to the lands described in plaintiff's bill of complaint, or any lands, or land, adjacent thereto, belonging to said plaintiff.

#### IX.

Answering paragraph X of said bill of complaint, said defendants admit that they claim rights, titles and interests in and to said lands described in plaintiff's bill of complaint, and to all thereof, and to the petroleum, gas and other minerals extracted therefrom and to the proceeds arising from the sale thereof. Furthermore said defendants admit that said claims and rights are predicated upon and derived directly from the notices of mining locations and from a mining location of the 13th day of February, 1907, and from the possession, occupation, continuous industry and development of said lands from and after said date; and said defendants deny that said locations are pretended locations, but allege that said locations were made in good faith and were valid and subsisting locations. Said defendants deny that [31] none of such locations or location, or notices, or notice of locations, or loca-

tion, and claims and claim, or claims, or claim, is valid against this plaintiff, and deny that no rights or right have accrued to the defendants, or either of them thereunder, either directly or mediately, and deny that no minerals have been discovered on said land except as stated in said bill of complaint. On the contrary said defendants allege that said location and notice of location and claims of defendants herein are valid against said plaintiff, and that valid rights have accrued to said defendants, and to each of them, by virtue of said location notice and claim, and by virtue of said continuous occupation, industry and development work thereunder; and said defendants deny that such claims or claim, are, or is asserted to cast a cloud upon the title of the plaintiff herein and wrongfully or wrongfully interfere with its operation and disposition, or operation, or disposition, of said lands, or land, to the great and irremediable damage, or great, or irremediable, or any damage of said plaintiff, and to the great and irreparable injury, or to the great or irreparable, or any injury of said land, or other lands or land adjacent thereto, and belonging, or belonging, to the United States, and said defendants deny that plaintiff herein is without redress or adequate remedy save by this suit, and deny that this suit is necessary to avoid a multiplicity of actions, and in this behalf this defendant alleges that the plaintiff is not entitled to any redress or any remedy in this action, or to maintain an action in any court, until the rights of the plaintiff and defendants have been determined by the General Land Office of the United

States and the Secretary of the Interior thereof.

X.

Answering paragraph XI of said bill of complaint, defendants [32] deny that because of the premises of said bill, that neither of the defendants has or ever had any right, or title, or interest, in or to, or any lien, upon said land, or any part thereof, or any right, or title, or interest, in or to the petroleum or mineral oil, or gas deposited therein, or to any right to extract petroleum or gas, or other minerals, or mineral, from said lands, or any part thereof, and in this behalf said defendants allege that they and their assignors, and predecessors in interest, have the right, title and interest, possession and lien upon said lands, and all thereof, and in, upon and to all of the petroleum, gas and other minerals deposited in said lands, and the right to convert and dispose of the same; and said defendants deny that the acts of these defendants, or either of them, or their assignors, or predecessors in interest, who have entered upon said lands, or any part thereof, and drilled, or drilled, an oil and gas, or oil, or gas well thereon, or used, or appropriated the petroleum deposited therein, or any other acts of said defendants, or either of them, or their assignors, or predecessors in interest, were all, or any of them, in violation of the laws, or any law of the United States, and of the aforesaid order of withdrawal, or of the aforesaid order of withdrawal, or of any order of withdrawal, or that all or any of said acts, or act, are or is in violation of the rights, or of any right, of the plaintiff herein; and deny that such acts, or



any act on the part of the said defendants, or either of them, or their assignors, or predecessors in interest, interfere with the execution by the plaintiff of its public or any policies with respect to said lands, or any land, and the petroleum and gas therein, or the petroleum, or gas therein, or any other mineral therein contained, as set forth in the said plaintiff's bill of complaint, or in any wise, or at all. [33]

XI.

By way of a further, separate and affirmative answer and defense to said bill of complaint, these defendants allege that their grantors, assignors and predecessors in interest, through whom they have deraigned title, duly located said lands as a mining claim on the 13th day of February, 1907, while said lands were unoccupied public lands of the United States, open to exploration and location for minerals under the provisions of the Revised Statutes of the United States and before any withdrawal thereof. And said defendants furthermore allege that they, and their assignors, and predecessors in interest, have held possession and worked the said lands described in said bill of complaint of plaintiff, continuously from said last-mentioned date down to the present time; and furthermore allege that they made a valid discovery of mineral, to wit, gypsum, upon said lands in the year 1908. Said defendants furthermore allege that they have continuously occupied said lands from the said date of location, and have continuously and uninterruptedly and industriously worked and developed the same in the development and production of oil, gas and

petroleum. The said defendants furthermore allege that they, and their assignors, and predecessors, have held and worked the said lands described in said bill of complaint, namely, the southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo base and meridian, as a mining claim, for a period equal to the time prescribed by the Statute of Limitations for mining claims of the State of California, in which state the lands are located, to wit, for the period of five years prior to the commencement of this action, without any adverse claim being made in or to said lands, or to any part thereof, and that said defendants, by reason [34] of said fact, are now the true and equitable owners of said lands, and entitled to patent thereto from the Government of the United States under the provisions of section 2322 of the Revised Statutes of the United States.

## XII.

And for a further, separate and distinct defense to the cause of action set forth in plaintiff's bill of complaint on file herein, said defendants allege that this Court has no jurisdiction to try and determine the matter set forth in said bill of complaint, or the title to the lands described in said bill of complaint, or the right to the possession of said lands, and particularly the right, title, interest or claim of said defendants in and to said lands, or any part thereof, or their right, title, interest or claim in or to the petroleum, mineral oil or gas deposited therein, or their right to extract petroleum, gas or other minerals from said lands, or their right to convert or

dispose of the petroleum or gas so extracted, or any part thereof, and in this behalf these defendants allege:

### XIII.

That the defendant, the Lost Hills Mining Company, was at all the times herein mentioned, and now is, a corporation organized and existing under the laws of the State of California, and authorized and empowered to locate mining claims upon the public lands of the United States under the provisions of Chapter 6, Title 32, of the Revised Statutes of the United States, and that Act of Congress of February 11th, 1897, Chapter 216, entitled "An Act to Authorize the Entry and Patenting of Lands Containing Petroleum and Other Mineral Oils under the Placer Mining Laws of the United States," and all acts amendatory thereof and supplementary thereto, and under the provisions of said Acts of Congress [35] and said laws of the United States, to make application for, and obtain patent therefor, and for any other mining claims which may have theretofore been granted, transferred, conveyed, sold and set over to it.

### XIV.

That the following described land, to wit, the southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo base and meridian, the same being the lands described in plaintiff's bill of complaint, were, on the 13th day of February, 1907, and long prior thereto, public lands of the United States, open to location and appropriation under the laws of the United States relating to what are usu-

ally known as "placers" or placer mining ground, and as such were chiefly and only valuable for the petroleum and gypsum therein contained, and ever since said 13th day of February, 1907, continuously down to the present date and to the time of the commencement of this action, the disposition of said lands was and now is under the exclusive jurisdiction and control of the General Land Department of the United States, the Honorable Commissioner of the General Land Office, and the Secretary of the Interior.

### XV.

That on the 13th day of February, 1907, W. B. Wallace, J. H. Butts, J. W. McCord, Sarah McCord, John Anderson, C. A. Butts, J. N. Hoyt and O. D. Barton, each and all of whom were then and there citizens of the United States, entered upon and took possession of said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo base and meridian, and duly located the same as a placer mining claim under the laws of the United States relating to the location of lands usually known as "placers," which said placer [36] mining claim was to be known as the "Lucile Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location, and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at 10 minutes past 9 o'clock A. M., in Book 40 of Mining Records, page 291. That



thereafter, and on or about the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo base and meridian, to wit, said Lucile Placer Mining Claim, and all their right, title and interest therein, to said defendant, Lost Hills Mining Company, a corporation.

#### XVI.

That ever since said 13th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of said defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Lucile Placer Mining Claim, and that during each year since the said year of 1907, more than One Hundred Dollars (\$100.00) has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendants, their assignors and predecessors in interest, have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least fifty (50) barrels per day. That said [37] defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest, also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909,



at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled, 'An Act to Authorize the President of the United States to make Withdrawals of Land in Certain Cases,' approved by the President of the United States June 25, 1910, Chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Lucile Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid; that applicant herein has expended over Seven Hundred Dollars (\$700.00) upon the development of the gypsum deposits upon said land, and over the sum of Fifteen Thousand Dollars (\$15,000) in drilling said well and in developing oil thereon. [38]

#### XVII.

That said lands contain no known lodes and are

valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water therein nor is there any stream of water nor watercourse running through the same.

XVIII.

That there are no adverse claims made to said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian.

XIX.

That thereafter, and, to wit, on the 10th day of July, 1916, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, The United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America, and the Regulations of the Department of the Interior in reference thereto, for a patent to said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian; that said application was numbered Mineral Entry No. 06318 and was known as such in said United States Land Office at Visalia, California.

XX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by R. E. Stearns, who was duly designated, authorized and empowered by a resolution of the Directors of

said defendant, Lost Hills Mining Company, a corporation, to make on [39] its behalf all necessary affidavits and other papers in writing pertaining to an application by said Company to the United States for a patent to said Lucile Placer Mining Claim; that said R. E. Stearns was at said time, and now, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for patent set forth the authority of affiant, to wit, R. E. Stearns, to make application for patent to said land for and on behalf of the Lost Hills Mining Company; the company's qualification to make such application and to acquire a patent, the location of said placer mining land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest, continuously from the 13th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said

lands as the Lucile Placer Mining Claim. That with said affidavit of application were filed all of the papers and documents necessary and required by the laws of the United States relating to the acquiring of title to placer mining claims, and the Rules and Regulations of the Department of [40] the Interior with reference thereto, all of which said papers were in due form and regularly and duly subscribed and sworn to.

## XXI.

That upon the filing of said application for patent, the Register of the United States Land Office at Visalia, California, gave due notice, on or about the 10th day of July, 1916, that said Lost Hills Mining Company had made application for patent to the said southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Lucile Placer Mining Claim, as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice is being published in the Lost Hills Gusher, which is a newspaper published in the county of Kern, State of California, and will be published continuously for ten (10) consecutive weeks, the first publication being on or about the 11th day of July, 1916. That said Lost Hills Gusher in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as the newspaper in which said notice was to be pub-



lished, and as the newspaper nearest said land.

## XXII.

That said application for patent is made in good faith and is being prosecuted with due diligence with the view to having a patent thereto issued by the United States to the defendant, Lost Hills Mining Company, herein.

## XXIII.

That the said defendant, said Lost Hills Mining Company, a corporation, did, heretofore, to wit, on December 2d, 1911, duly [41] make its mineral application No. 03458 for a patent, covering the Fog Horn Placer Mining Claim embracing the southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, in the county of Kern, State of California; that said application was in form and in substance similar to the applications heretofore made by said defendant and now pending for patent covering the lands involved in this action; that the Honorable Commissioner of the General Land Office did, on the 29th day of November, 1915, clear list the said application of said defendant, said Lost Hills Mining Company, a corporation, covering said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty-two (32), and pursuant to said clear listing the patent of the United States has been issued and delivered to the said defendant said Lost Hills Mining Company, a corporation, for the said southeast quarter (SE.  $\frac{1}{4}$ ) of said section thirty-two (32). That the said Honorable Commissioner of the General Land Office, in clear listing the application of



said defendant, said Lost Hills Mining Company, a corporation, for said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, did duly render his opinion and the opinion of the Land Department of the United States upon the *bona fides* of the said defendant, said Lost Hills Mining Company, upon said application and upon all of the applications for patent covering the lands involved in this action. That the said Honorable Commissioner of the General Land Office of the United States did, in his said decision, find, as a matter of fact: that the claim covering the said southeast quarter (SE.  $\frac{1}{4}$ ) of section thirty-two (32) was located on the 14th day of February, 1907, by the predecessors of said defendant, said Lost Hills Mining Company, a corporation; that said locators, at the same time, with other [42] locators, located over twenty-two other tracts in the same vicinity and that the several lands so located were transferred to the said corporation, said defendant herein, said Lost Hills Mining Company; that each interested person, to wit, each locator, received his proportionate share of the stock issued and that in view of said locations and assignments and the circumstances relating thereto, there did exist and does exist no reason for questioning the good faith and regularity of the locations of said claims; that said defendants herein hereby respectfully refer to said decision and make the same a part hereof; that the location of said mining claims hereinabove set forth covering the lands described in plaintiff's bill of complaint, are included in said

twenty-two locations referred to in said opinion and decision of the Honorable Commissioner of the General Land Office of the United States hereinabove referred to.

#### XXIV.

Said defendants allege that the occupancy and claim to said property of said defendant, said Lost Hills Mining Company, a corporation, is not that of a trespasser and is not in violation of the proprietary and other rights of the plaintiff herein nor in violation of the laws of the United States or any of them, or the lawful orders or proclamations of the President of the United States or any of them, and is particularly not in violation of the orders of withdrawal of September 27th, 1909, of the President of the United States, acting by and through the Secretary of the Interior, as set forth in paragraph III of plaintiff's complaint, nor in disregard of nor by infringement upon the general governmental policy adopted by the United States for the production or conservation or disposal or use of the petroleum or gas contained in said lands or in other lands belonging to the United States, [43] and in this behalf this defendant further alleges that said defendant, said Lost Hills Mining Company, a corporation, and its predecessors in interest, in accordance with the laws of the United States relative to the prospecting, exploring, discovering, entering upon and developing of the valuable minerals and particularly petroleum and gypsum in the public lands of the United States, did enter upon said lands hereinbefore described, as herein set forth, at the express in-

vitiation of the plaintiff herein, and did proceed, in accordance with the laws of the United States, to prospect, explore, discover and develop the minerals therein contained and did diligently prosecute said work of prospecting, exploring, discovering and entering upon and developing said petroleum and gypsum until the same had been discovered and developed in commercial quantities.

XXV.

The defendants allege that all the matters set up in the bill of complaint herein are under the exclusive control and jurisdiction of the Honorable Secretary of the Interior of the United States and the Honorable Commissioner of the General Land Office of the United States; that this Court has no jurisdiction or authority to interfere with the exercise of said exclusive control and jurisdiction of said Honorable Secretary of the Interior and the Honorable Commissioner of the General Land Office of the United States, or to proceed with the hearing of this action while said application for patent proceedings are pending; that under and by virtue of the laws of the United States and the Acts of Congress relating to the disposition of public lands by the United States, and particularly of mineral lands, the only tribunal vested with power and authority to determine the matters set forth in plaintiff's bill of complaint, and all questions [44] of fact and law relating thereto, and as to whether or not said Lost Hills Mining Company is entitled to patents to said lands and is the owner thereof and has any claim thereto, and as to whether or not said defendant, said Lost Hills Min-

ing Company, a corporation, should be granted and given a patent to and continue in possession of said lands and develop, operate and extract minerals therein contained therefrom, is the General Land Department of the United States, at the head of which is the Honorable Commissioner of the General Land Office, who acting under the direction, supervision and control of the Honorable Secretary of the Interior of the United States, has exclusive jurisdiction, power, supervision and control over all matters which relate to the disposition, occupancy and use of the public lands of the United States and of the lands involved in this action. That until said Honorable Commissioner of said General Land Office, acting as the head of said General Land Department of the United States and under the supervision, direction and control of the Secretary of the Interior, shall have determined the rights of said defendants herein in and to said lands in said pending applications for patent proceedings, and shall have denied said applications for patent to said lands, this Honorable Court has and can have no jurisdiction over the subject matter or of the parties involved in said applications for patent and in this proceeding or to determine, order or decide that said Lost Hills Mining Company, a corporation, and said Universal Oil Company, a corporation, defendants herein, or each, or any of them, should make full disclosure or set up their claims or the claims of either of them herein, or to said lands described in said bill of complaint, or any part thereof, or to determine, order or decide that said defendants, or



either of them be required to make full, true and direct answer, respectively, to all or [45] singular the matters or things stated or charged in plaintiff's complaint herein, or to declare that said lands, or any part thereof, set forth in said bill of complaint, and hereinabove described, to have been at all times from and after the 27th day of September, 1909, lawfully withdrawn from mineral exploration or from all or any forms of location or settlement or selection or filing or entry or disposal under the mineral or nonmineral public land laws of the United States, or to adjudge or decree that said defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, have no estate, or right, or title, or interest, or claim, in or to said lands or any part thereof, or in or to any minerals or mineral or mineral deposits contained in or under said lands or any parts thereof, or to adjudge or decree that all or singular of said lands, or any part thereof, together with, or without all or any of the minerals, or mineral or mineral deposits or the mineral oil or petroleum or gas therein or thereunder contained to be the perfect property, or otherwise, of the plaintiff herein, free or clear of the claims or claim of said defendants, or either of them, or to enjoin each, or all, or any of the defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agent or agents, or servants or servant, or attorneys or attorney of said defendants, or either of them, during the progress of said action, or thereafter, or



at all, finally or perpetually, from asserting or claiming any right, or title, or interest, or claim, or lien in or to the said lands, or any part thereof, or in or to any of the minerals or mineral or mineral deposits therein or thereunder contained, or to enjoin each or all or either of said defendants, to wit, said Lost Hills [46] Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agents or agent, or servants or servant, of said defendants, or either of them, during the progress of this suit, or thereafter, or at all, finally or perpetually, or at all, from going upon any part or portion of said land or from, in any manner, using any of said lands or premises, or any part thereof, or from in any manner extracting, removing or using any of the minerals, mineral or mineral deposits in or under said lands or premises, or any part or portion thereof, or any of the other or natural products thereof, or from in any manner committing any trespass or waste upon any of said lands or with reference to any of the minerals, mineral or mineral deposits therein or thereunder or any of the other or natural products thereof, or to order or determine or decide or decree that an accounting be had by said defendants, or either or any of them, wherein said defendants, or either or any of them, shall make full or complete or itemized or correct disclosure of the quantities of mineral, or particularly of petroleum removed or extracted or received by them, or either of them, from said lands, or any or other property or thing of value received from part or portion thereof, or of any money or moneys

the sale or disposition of any or all of the minerals or mineral extracted from said lands, or any part or portion thereof, or of any rent or profits received under any sale or lease or transfer or conveyance or contract or agreement concerning said lands or any part thereof, or that the plaintiff may recover from said defendants or either or any of them, respectively, all damages or any damages sustained by plaintiff under these premises, or to determine or decree or adjudge or order or decide that the plaintiff herein is entitled to any damage whatsoever in these premises, or to appoint a [47] Receiver to take possession of said lands or of all or any wells or well, or derricks or derrick, or drills or drill, or pumps or pump, or storage vats or storage vat, or pipes or pipe, or pipe lines or pipe line, or machinery, or tools or tool, or appliances or appliance of every character or any character thereof, belonging to or in the possession of said defendants or either of them, which have been used or now are being used in the extraction or storage or transportation or refining or sale or manufacture or in any other manner in the production of petroleum or petroleum products or of any minerals or mineral or mineral deposits from said land, or any part or portion thereof, for the purpose of continuing, or otherwise, and with full power and authority or with full power or authority, to continue the operation on said lands or any part thereof, of the production or sale of petroleum or other minerals or mineral or mineral deposits where such course is necessary to protect the alleged property of the complainant

against injury or waste, or for any other purpose or purposes, or otherwise, or at all, or for the preservation or production or use of the oil or gas in said lands, or in any portion thereof, or the wells or well, or derricks or derrick, or pumps or pump, or tanks or tank, or storage vats or storage vat, or pipes or pipe, or pipe-lines or pipe-line, or houses or house, or shops or shop, or tools or tool, or machinery, or appliances or appliance being used by said defendants, or either of them, or otherwise, or the officers or officer, or agents or agent, or assigns or assign, of said defendants, or either of them, in the production, or transportation, or manufacture, or sale of petroleum or other minerals or mineral or mineral deposits from said lands or any part thereof, or to vest such receiver with the usual or general or any powers vested in receivers of courts of chancery, or otherwise. [48]

WHEREFORE, defendants pray that the plaintiff take nothing by this action against either of these defendants, and that said action be dismissed and that these defendants recover their costs and disbursements herein expended and for such further relief as to the Court in equity may seem meet in the premises.

MORRISON, DUNNE & BROBECK,  
JOSEPH D. REDDING,

Attorneys for said Defendants, said Lost Hills Mining Company, a Corporation, and said Universal Oil Company, a Corporation. [49]

United States of America,  
State of California,  
City and County of San Francisco,—ss.

R. A. Morton, being first *duly, deposes* and says:

That he is an officer of one of the defendants in the above-entitled action, namely, the Secretary of said Lost Hills Mining Company, a corporation, and as such makes this affidavit of verification; that he has read the foregoing answer and knows the contents thereof; that the same is true of his own knowledge except as to the matters which are therein stated upon information or belief, and as to those matters that he believes it to be true.

R. A. MORTON.

Subscribed and sworn to before me this 21st day of August, 1916.

[Seal]

W. W. HEALEY,  
Notary Public in and for the City and County of San  
Francisco, State of California. [50]

Received copy of within Answer this 24th day of August, 1916.

E. J. JUSTICE,  
A. E. CAMPBELL,  
FRANK HALL,  
Attys. for Pltf.

[Endorsed]: In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company,

Defendants. Answer of Defendants. Filed San Francisco, Aug. 25, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Attorney for Defendants, Crocker Building, San Francisco, Cal. [51]

**Return on Service of Writ.**

United States of America,  
Northern District of California,—ss.

I hereby certify and return that I served the annexed Notice of Motion for Restraining Order and Receiver on the therein named Lost Hills Mining Company and Universal Oil Company, and Joseph D. Redding, their attorney of record, by handing to and leaving a true and correct copy thereof with Earl H. Pier, as attorney and member of the firm of Redding, Boalt & Pier, personally, at San Francisco, in said District, on the 31st day of July, A. D., 1916.

J. H. HOLOHAN,  
U. S. Marshal.

By Otis R. Bohn,  
Office Deputy. [52]

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*In the District Court of the United States for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—A-57.

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY, and UNI-  
VERSAL OIL COMPANY,  
Defendants.



**Notice of Motion for Restraining Order and Receiver.**

To Lost Hills Mining Company and Universal Oil Company, and Joseph D. Redding, Their Attorney of Record.

You, and each of you, will take notice that the plaintiff, the United States of America, will move before the United States District Court for the Southern District of California, and the Judge thereof, Robert S. Bean, United States District Judge, sitting by special assignment, at the courtroom of the said Court in the Postoffice Building at San Francisco, California, on the 15th day of August, 1916, at 10 o'clock A. M. in the above-entitled cause, for the granting of an order restraining you, and each of you, your officers, agents, servants and attorneys, from taking or moving from the said premises described in the bill of complaint herein, any of the mineral oil or petroleum deposited therein, or any [53] of the gas in or under said land, and from committing in any manner any trespass or waste upon any of said land, or with reference to any of the minerals deposited therein, pending the disposition of the said cause or the further order of this Court.

And you, and each of you, will further TAKE NOTICE that the plaintiff, the United States of America, will then and there move the said Court, and the Judge thereof, in the above-entitled cause for the granting of an order appointing a receiver for the property described in the Bill of Complaint herein, and operated by you, and each of you, and for

the oil and petroleum heretofore extracted from said land, to be dealt with by the receiver in such manner as to the Court may seem proper.

The above motions will be submitted upon the verified bill of complaint on file herein, affidavits, records, documents, oral testimony and a certified copy of the following depositions and testimony filed in that certain proceeding pending before the register and receiver of the United States Land Office, at Visalia, California, entitled:

“Department of the Interior, United States Land Office, Visalia, California, before the Register and Receiver, *United States v. Lost Hills Mining Company*, involving mineral applications numbers 03431, 03432, 03448, 03457, 03459, Visalia, California, Land District.”

to wit, the deposition and testimony of Orlando D. Barton, taken on February 28, 1916, before the Register and Receiver of the United States Land Office, at Visalia, California; the deposition and testimony of L. E. Prestage, taken before the Register and Receiver of the United States Land Office at Visalia, California, on April 19, 1916; the depositions of H. E. Covey and W. L. McLaine, taken before T. F. Allen, [54] Notary Public, at Bakersfield, California, on April 18, 1916; and the deposition of Geo. A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, California, on April 20, 1916.

Dated this 31st day of July, 1916.

E. J. JUSTICE,

FRANK HALL,

A. E. CAMPBELL,

Solicitors for the Plaintiff, United States of  
America. [55]

[Endorsed]: In Equity—A-57. In the District  
Court of the United States for the Sou. Dist. of Cali-  
fornia, Nor. Div. 9th Cir. United States of America,  
Plaintiff, vs. Lost Hills Mining Company and Uni-  
versal Oil Company, Defendants. Notice of Motion  
for Restraining Order and Receiver. Filed Aug.  
2, 1916, San Francisco. Wm. M. Van Dyke, Clerk.  
T. F. Green, Deputy. [56]

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*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Notice of Motion for Continuance of Hearing of  
Motion for Appointment of Receiver, etc.**

To the United States of America, Plaintiff in the  
Above-entitled Action, and to E. J. Justice and  
Frank Hall, Its Attorneys:

YOU AND EACH OF YOU WILL PLEASE  
TAKE NOTICE that on Tuesday, the 15th day of  
August, 1916, at the hour of ten o'clock A. M., or  
as soon thereafter as counsel can be heard at the  
Federal Building in the city and county of San Fran-  
cisco, California, Lost Hills Mining Company and  
Universal Oil Company, the defendants in the above-  
entitled suit, will move the Court to continue the  
hearing of the motion for the appointment of a re-  
ceiver and for a temporary injunction and on the  
jurisdictional defense interposed and set up by the  
said defendants, until Monday the 28th day of Au-  
gust, 1916, at the hour of ten o'clock A. M., or to such  
other time as may by the Court be deemed proper  
under the circumstances.

Said motion will be based and heard upon the files  
herein and upon the affidavit of R. L. McWilliams,  
one of the solicitors for said defendants, a copy of  
which is hereto attached and made a part hereof.

JOS. D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Said Defendants. [57]

*In the District Court of the United States, in and for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Affidavit of R. L. McWilliams in Support of Motion  
for Continuance of Hearing of Motion for  
Appointment of Receiver, etc.**

State of California,

City and County of San Francisco,—ss.

R. L. McWilliams, being first duly sworn, deposes  
and says:

That he is one of the solicitors for Lost Hills Mining Company and Universal Oil Company, the defendants in the above-entitled action;

That on July 28, 1916, the above-entitled Court set down the motion for the appointment of a Receiver and the motion for a temporary injunction for hearing on August 15, 1916; that as affiant is informed and believes, and therefore alleges the fact to be, on said day and at the time the said matters were set down for hearing, as aforesaid, Mr. Joseph D. Redding, one of the solicitors for the said defendants, in-



formed the Court that he had theretofore served notice that the said defendants desired to take the depositions of several witnesses in Washington, including the deposition of the Commissioner of the General Land Office and the Secretary of the Interior of the United [58] States with particular reference to the jurisdiction of this court to hear the above-entitled suit, or to determine any of the issues therein pending proceedings in the Land Department of the United States, and that it might be that he would not complete the taking of the said depositions in time to enable him to be in San Francisco on the said 15th day of August, 1916.

That thereafter and on or about the 10th day of August, 1916, affiant received from the said Joseph D. Redding, a telegram sent from Washington, D. C., in which the said Joseph D. Redding stated that he had sent a telegram to E. J. Justice, one of the solicitors for the plaintiff herein, stating that he was proceeding with the taking of the depositions above referred to, and that it would undoubtedly take until the middle of the following week before he could finish the taking of said depositions, and that he would thereby be precluded from reaching San Francisco before the 20th of August, 1916; that this would necessitate the hearing above referred to being postponed about one week; that the evidence that he was obtaining, and seeking to obtain by said depositions goes to the question of the jurisdiction of the court, the right of the plaintiff herein to an injunction and to the question of the measure of damages; that upon the receipt of the said telegram affiant communicated

with the said E. J. Justice and was informed that he had taken the matter up with Judge Bean who was to preside at the hearing of the said motions.

That the said Joseph D. Redding is one of the solicitors for the said defendants in the above-entitled suit, and that it would not be safe for said defendants to proceed with the hearing of the said matters until the return of the said Joseph D. Redding [59] to San Francisco, and until the arrival of the depositions above referred to.

R. L. McWILLIAMS.

Subscribed and sworn to before me this 14th day of August, 1916.

[Seal] W. W. HEALEY,  
Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: No. A-57—In Equity. United States District Court, Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Notice of Defendant's Motion and Affidavit of R. L. McWilliams, in Support of Motion for Continuance of Hearing on Plffs. Motion for Temporary Injunction Appointment of Receiver and Jurisdictional Question. Receipt of a copy of the Within Notice of Motion is Hereby Admitted This 14th Day of August, 1916, at 3:55 P. M. E. J. Justice, A. E. Campbell, Frank Hall, Attorneys for Plaintiff. Filed San Francisco, Aug. 15, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Morrison, Dunne & Brobeck,

Crocker Building, San Francisco, Cal., Attorneys for  
said Defendants. [60]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the City of San Francisco, California, on Tuesday, the fifteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 15, 1916—Order Continuing Hearing of Motion for Restraining Order, etc.**

This cause coming on this day to be heard on complainants' motion for a restraining order, and also to be heard on an application for the appointment of a receiver; Frank Hall, Esq., Special Assistant to the U. S. Attorney General appearing as counsel for the United States; Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company et al., R. L. McWilliams, Esq., appearing on behalf

of Joseph D. Redding, Esq., of counsel also for defendants Lost Hills Mining Company et al.; John P. Doyle, one of the official shorthand reporters of this court, being present and acting as such; and it appearing that defendants have moved the Court for an order continuing this cause for said hearing; and said motion for a continuance having been argued, in support thereof, by R. L. McWillaims, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and in opposition thereto by Frank Hall, Esq., Special Assistant to [61] the U. S. Attorney General, of counsel for the United States; it is by the Court ordered that this cause be, and the same hereby is continued for said hearing until Thursday, the 17th day of August, 1916, at 10 o'clock A. M. [62]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Wednesday, the sixteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 16, 1916—Order  
Continuing Motion for Restraining Order, etc.**

This cause coming on this day to be heard on defendants' motion for a continuance of this cause for hearing on complainants' motion for a restraining order and an application for the appointment of a receiver herein; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hill Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; John P. Doyle, one of the official shorthand reporters of this court, being present and acting as such; and said motion for continuance having been argued, in support thereof, by Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and in opposition thereto by Frank Hall, Esq., Special Assist-



ant to the U. S. Attorney General, of counsel for [63] the United States; it is by the Court ordered that this cause be, and the same hereby is continued for hearing on said motion for injunction and application for appointment of receiver until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [64]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Thursday, the seventeenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 17, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be heard on complainants' motion for an injunction *pendente lite*, and also to be heard on an application for the appointment of a receiver herein; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H.

Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; and Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; John P. Doyle, one of the official shorthand reporters of this court, being present and acting as such; and this cause having been continued for hearing until the hour of 2 o'clock P. M., of this day, and having been called again therefor at the hour of 2 o'clock P. M.; and counsel and shorthand reporter being present as before; and counsel for the respective parties having stipulated that the testimony to be taken and evidence to be admitted in cause No. A-37—Equity, N. D., The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, may [65] be used, as far as applicable, in this cause; and certain testimony having been taken, and certain exhibits admitted in evidence in said cause No. A-37—Equity, N. D.; it is ordered that this cause be, and the same hereby is continued for said hearing until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [66]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-first day of August, in the

year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 21, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also coming on to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., Frank Hall, Esq., and A. E. Campbell, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company et al.; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company, Universal Oil Company et al.; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Peter F. Dunne, Esq., of counsel as aforesaid for defendants Lost Hills Mining Company et al., having on behalf of all defendants, objected to any further proceedings in the hearing of the motion for tem-

porary injunction and application for appointment of a receiver until the determination of a question [67] as to the jurisdiction of this court, thereupon, on motion of said counsel for defendants, and with the consent in open court of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said jurisdictional question be now heard, and that in the meantime said motion for injunction and application for appointment of receiver remain in *statu quo*; and it is further ordered, on motion of Peter F. Dunne, Esq., of counsel as aforesaid for defendants Lost Hills Mining Company et al., and with the consent in open court of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, that all proceedings, evidence and argument in the hearing of a similar jurisdictional question in cause No. A-37—Equity, The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, shall apply to and be considered in connection with the jurisdictional question in this cause; and said jurisdictional question having been argued, in connection with the argument of a similar jurisdictional question in said cause No. A-37—Equity, in opposition to the jurisdiction of this court herein, by R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for said defendants Lost Hills Mining Company et al., and in support of the jurisdiction of this court by Frank Hall, Esq., and E. J. Justice,

Esq., Special Assistants to the U. S. Attorney General, of counsel for the United States; it is, at the hour of 5 o'clock P. M., ordered that this cause be, and the same hereby is, continued for said hearing until Tuesday, the 22d day of August, 1916, at 10 o'clock A. M. [68]

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At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-second day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 22, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on a jurisdictional question; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWill-



iams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and said jurisdictional question having been further argued, in opposition to the jurisdiction of this Court herein, by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and in support of the jurisdiction of the Court by E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; and this cause having been submitted to the Court for its consideration and decision on said jurisdictional question and the argument thereof, it is now by the Court ordered that defendants' plea in opposition to the jurisdiction [69] of this Court herein be, and the same hereby is overruled and denied, the Court holding that it has jurisdiction in this cause; thereupon, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, and over the objection of Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., it is ordered that at the hour of 2 o'clock P. M., of this day, the Court shall proceed with the further hearing of the motion for a temporary injunction and the application for appointment of a receiver; and court, at the hour of 12:15 o'clock P. M., having taken a recess until the hour of 2 o'clock P. M., of

this day; and court at the hour of 2 o'clock P. M., having reconvened; and counsel and shorthand reporter being present as before, except that E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, does not now appear as one of complainants' counsel; and counsel for the United States having announced that the Government is ready to proceed with the further hearing of complainants' motion for a temporary injunction and the application for the appointment of a receiver, and the Court having ordered that the hearing proceed, and that all testimony and proceedings herein shall apply to and be considered also on the hearing of a similar motion and application in each of the causes Nos. A-37—Equity and A-52—Equity, so far as applicable; and the deposition of Joseph Jansen, taken pursuant to stipulation of counsel, before J. D. Brown, Notary Public, having been offered by counsel for the Government, it is ordered that said deposition be opened and filed herein, and also in causes Nos. A-37—Equity and A-52—Equity; and said deposition of Joseph Jansen having been read to the Court by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; and, in connection with the said deposition, certain exhibits having been offered and admitted in evidence on behalf of the United States, to wit: Plffs. Ex. "A," plat, sectional [70] of San Joaquin Valley, showing gypsite deposits, etc.; Plffs. Ex. "B," Circular No. 111, of Dec., 1913, issued by University of California, on the use of lime and gypsum, etc.; Plffs. Ex. "C," sketch showing

gypsum occurrences, etc.; Plffs. Ex. "D," map or plat, showing various methods of sampling; Plffs. Ex. "E," plat showing "Signal Placer," on SE. $\frac{1}{4}$  of Sec. 30, Tp. 26 S., R. 21 E.; Plffs. Ex. "F," plat showing gypsite, etc., at "Cd.," on N. $\frac{1}{2}$  of SE. $\frac{1}{4}$  of Sec. 30, Tp. 26 S., R. 21 E.; Plffs. Ex. "G," plat showing "Lost Hills Placer," on NW. $\frac{1}{4}$  of Sec. 30, -26-21; Plffs. Ex. "H," plat showing "Petroleum Placer" on NW. $\frac{1}{4}$  of Sec. 32-26-S. 21 E.; Plffs. Ex. "I," plat showing "Eagle Placer" on NE. $\frac{1}{4}$  of Sec. 32-26-21-E.; Plffs. Ex. "J," plat showing "Judge Placer" on SW. $\frac{1}{4}$  of Sec. 32-26 S., R. 21 E.; Plffs. Ex. "K," copy assayer's certificate, Smith Emery & Co., of Dec. 8, 1914; Plffs. Ex. "L," copy assayer's certificate, H. Coffman, of March 16, 1916; and Plffs. Ex. "M," eleven (11) photographs, illustrating certain characteristics of gypsum, character land, etc., with legends attached; and the deposition of Orlando D. Barton, taken before the Register and Receiver of the U. S. Land Office at Visalia, Cal., on February 28, 1916, with certificate attached, of said Register and Receiver, having been offered by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said deposition be opened and filed in this cause and in causes Nos. A-37—Equity and A-52—Equity; and said deposition of Orlando D. Barton having been read to the court by said counsel for the Government; and the depositions of George A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, Cal., on April 20, 1916, same having been taken pursuant to stipu-

lations, and having a certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, California, having been offered by said counsel for the Government, it is ordered that same be opened, and filed in this cause and in [71] causes Nos. A-37—Equity and A-52—Equity; and said depositions having been read to the court by said counsel for the Government; it is, at the hour of 5:05 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Wednesday, the 23d day of August, 1916, at 10 o'clock A. M. [72]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Wednesday, the twenty-third day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 23, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction,



and also to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered a copy of depositions of W. L. McLaine and H. E. Covey, taken before T. F. Allen, Notary Public, at Bakersfield, California, on April 18, 1916, for use in the U. S. General Land Office, with certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, [73] California, which depositions are admitted in evidence and read to the Court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered a copy of depositions of L. E. Prestage, taken before the United States Land Office at Visalia, California, with certificate attached of Frank Laning, Register of said Land Office, which depositions are admitted in evidence on behalf of complainants and read to the court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. At-



torney General, of counsel for the United States, having offered certain affidavits, which are admitted in evidence on behalf of complainants, and read to the Court by said counsel for the United States, to wit: Affidavit of Orlando D. Barton, taken before J. S. Clack, Notary Public, on October 19, 1915; affidavit of J. H. Favorite, taken before T. L. Baldwin, Deputy Clerk of the U. S. District Court for the Northern District of California, on June 9th, 1916; and two affidavits of C. L. McDonald, taken before A. H. Thomas, Notary Public, on August 10, 1916; and J. G. Dean and D. A. Mulvane having respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and, after a recess of court from the hour of 12 o'clock, M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for further hearing, and counsel and shorthand reporter being present as before; D. A. Mulvane, a witness on behalf of the United States, having again taken the stand for further examination, and having given his testimony; and P. A. English and Silas F. Gillan having respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and, in connection with the testimony of the last-named witness, the Government having offered an exhibit, [74] which is admitted in evidence in its behalf, to wit: Plffs. Ex. N, copy of proof of labor performed on Sec. 30, Twp. 26, S. R. 21 E., M. D. M., as recorded in the recorder's office of Kern County, California; it is, at the hour of 4 o'clock P. M., ordered that this cause be, and the

same hereby is continued until Thursday, the 24th day of August, 1916, at 10 o'clock A. M., for further hearing. [75]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Thursday, the twenty-fourth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,  
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,  
Defendants.

**Minutes of Court—August 24, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Uni-

versal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; it is, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, ordered that the bill of complaint in this cause shall be considered as part of the evidence, etc., on this hearing; and complainants having offered an exhibit, which is admitted in [76] evidence in their behalf, to wit: Plff. Ex. "O," Oil statement of Devil's Den Consolidated Oil Company, January, 1912, to September, 1915; and the Government having rested on this hearing; thereafter it is ordered that this cause be, and the same hereby is continued until Friday, the 25th day of August, 1916, at 10 o'clock A. M., for further hearing. [77]

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At a special January Term, A. D. 1916, of the District Court, of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof in the city of San Francisco, California, on Friday, the twenty-fifth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 25, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application for the appointment of a receiver; E. J. Justice, and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and, after a recess from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having been again called for said further hearing, and counsel and shorthand reporter being present as before; and Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered two exhibits, which are admitted in evidence on behalf

of defendants, [78] to wit: Defts. Ex. "Z," pages 261 to 270, inclusive, from "Mineral Resources of the United States," 1914; and Defts. Ex. "Z-1," reproduction of diagram on page 262 of volume 2, "Mineral Resources of the United States, 1914"; and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered certain affidavits, which are admitted in evidence on behalf of defendants and read to the court by said counsel to wit: Defts. Ex. "B," affidavit of R. A. Morton, taken on 8/21/1916, before W. W. Healey, Notary Public, with exhibits attached; and Defts. Ex. "C," affidavit of Chas. W. Barrett, taken on 6/22/1916, before W. W. Healey, Notary Public, with exhibits attached; it is, at the hour of 4:25 o'clock P. M., ordered that this cause be, and the same hereby is, continued for further hearing until Monday, the 28th day of August, 1916, at 10 o'clock A. M. [79]

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At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-eighth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.



No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 28, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., and Joseph D. Redding, and Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and W. O. Todd having been called and sworn as a witness on behalf of defendants, and having given his testimony; and Roy A. Bishop, a witness on behalf of defendants, having been recalled for further examination, and having given his testimony; and, in connection with the testimony of said witness, defendants having offered certain exhibits, which are admitted in evidence in their behalf, to wit, Defts. Ex. "A-2" (there being no exhibit marked [80] "A-1"), blue-print, Universal Oil Company, pipe-

lines, drawn 3/1/1914, by R. B. M., pipe-lines on Sec. 32-26-21; Defts. Ex. "A-3," blue-print Universal Oil Company, gas pipe-lines, drawn on 3/1/1914, by R. B. M., pipe-lines located on Sec. 32-26-21; Defts. Ex. "A-4," blue-print, Universal Oil Company, water pipe-lines, drawn by R. B. M. on 3/1/1914, pipe-lines located on Sec. 32-26-21; Defts. Ex. "A-5," statement marked "Lost Time Record in Hours, Devil's Den Consolidated Oil Company, 6 Months Ending June 30, 1916"; Defts. Ex. "A-6," statement marked "Lost Time Record, Universal Oil Company, Six Months Ending June 30, 1916"; and, after a recess of court from the hour of 12:05 o'clock P. M., until the hour of 2 o'clock P. M. of this day, this cause having been again called for further hearing, and counsel and shorthand reporter being present as before; and Roy A. Bishop, a witness on behalf of defendants, having again taken the stand for further examination, and having given his testimony; thereafter, at the hour of 4:35 o'clock P. M., it is ordered that this cause be, and the same hereby is, continued until Tuesday, the 29th day of August, 1916, at 10 o'clock A. M., for further hearing. [81]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-ninth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 29, 1916—Hearing on  
Motion for Injunction Pendente Lite, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., Joseph D. Redding, Esq., and Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Thos.

H. Means, duly sworn as a witness in cause No. A-37—Equity, having been called herein as a witness on behalf of defendants, and having given his testimony; and defendants having rested; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, having moved the Court that he be allowed, on behalf of complainants, to prepare and file an affidavit of C. D. Hamel, to which affidavit will be attached [82] the affidavits of three or four persons taken before said C. D. Hamel as Special Agent of the U. S. Land Department, which motion is opposed by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, it is ordered that said motion be, and the same hereby is, granted, and that, accordingly, complainants be, and hereby are allowed within twenty (20) days to prepare, serve and file said affidavits; and E. D. Latham and J. W. Kingsburg, heretofore duly sworn as witnesses in cause No. A-37—Equity, having been respectively called and sworn as witnesses on behalf of defendants in rebuttal, and having given their testimony; and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for further hearing, and counsel and shorthand reporter being present as before; and complainants' motion for temporary injunction and application for appointment of a receiver having been argued, in support thereof, by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, and in opposition thereto by Joseph D. Redding,

Esq. and Peter F. Dunne, of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and in support thereof in reply by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is, on motion and by agreement of counsel, ordered that this cause be, and the same hereby is submitted to the Court for its consideration and decision on complainants' motion for an injunction *pendente lite* and application for the appointment of a receiver, and upon the pleadings, testimony, exhibits, affidavits filed and to be filed, and upon briefs which may be prepared, served and filed by the respective parties as follows, to wit: On behalf of defendants within ten [83] (10) days, and on behalf of complainants within ten (10) days thereafter, the clerk of this court being directed to prepare a list of exhibits filed herein, furnishing to the Court, complainants and defendants one (1) copy each. [84]

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At a special term, to wit, the special October Term, A. D. 1916, of the District Court of the United States for the Southern District of California, Northern Division, held at the courtroom thereof, in the City of Fresno, California, on Wednesday, the 4th day of October, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.



No. A-57—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—October 4, 1916—Order Granting  
Motion for Application for Appointment of  
Receiver, etc.**

This cause having heretofore been submitted to the Court for its consideration and decision on a motion for the issuance of an injunction *pendente lite* herein and on an application for the appointment of a receiver; the Court, having duly considered the same and being fully advised in the premises, now reads its conclusions herein and regarding the matters under submission herein and in causes Nos. A-37—Equity and A-52—Equity, N. D., which conclusions are not at this time filed, and, pursuant to the Court's ruling in said conclusions, it is ordered that the motion of complainants for the issuance of an injunction *pendente lite* be, and the same hereby is denied, and it is further ordered that complainants' application for the appointment of a receiver be, and the same hereby is granted for all properties in controversy included in said application for appointment of a receiver except the south half (S. 1½) of section 32, township 26 south, range 21 east, M. D. B. & M., and order accordingly to be prepared and presented by counsel for signature and entry. [85]

*In the District Court of the United States, for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Order Appointing Receiver.**

This suit coming on to be heard on motion of the complainant for the appointment of a receiver and for an injunction, and having been heard on the 21st, 22d, 23d, 24th, 25th, 28th and 29th days of August, 1916,—

IT IS NOW CONSIDERED, ORDERED AND ADJUDGED that Howard M. Payne be, and he is hereby appointed a receiver,—and until the further order of this Court,—for certain of the properties described in the bill of complaint and herein claimed by the defendants, to wit:

Southwest quarter (SW.  $\frac{1}{4}$ ) of Section Eighteen (18), Township Twenty-six (26) South, Range Twenty-one (21), East, Mount Diablo Meridian, and situated in Kern County, California,

and of the oil and gas already extracted and still in the possession of the defendants, Lost Hills Mining Company and Universal Oil Company.

IT IS FURTHER ORDERED that the receiver keep an accurate account of the quantity and quality of oil and gas hereafter produced if any from said lands herein described and until the further order of this court, that he dispose of and sell the [86] same at the best price or prices obtainable.

Until the further order of this Court the said defendants Universal Oil Company and Lost Hills Mining Company are hereby permitted to continue the operation and management of the properties hereinbefore described, and no change is to be made in the present status, management, or method of operation of said properties—by the receiver—without the consent of the said defendants, Universal Oil Company and Lost Hills Mining Company or by order of the Court made after ten days notice to the said defendants, other than such as may be necessary to enable said receiver to ascertain the present condition of the said properties and to receive and dispose of any output thereof and to keep a record and account thereof.

IT IS FURTHER ORDERED that the said Universal Oil Company shall render to the said receiver as soon as practicable after the first of each and every month, a statement of any expenses of the management and operation of said properties for preceding month, and the said receiver shall out of the proceeds of the sale of any oil and gas from said properties hereinbefore described pay to the said Universal Oil Company, forthwith the amount of said expenses of operating and managing said properties as set forth in said statement.

The receiver shall, within ten days after the settlement with the said Universal Oil Company for expenditures made for the preceding month, make and file with the clerk of this court a report setting forth the quality and quantity of the oil and gas, if any, disposed of and the price received therefor, and a statement of the expenses of the operation and management of the properties for the preceding month, and at such time such recommendations as he may deem advisable to the Court respecting the management and operation of said property, provided that no recommendation made to the Court in reference to the properties [87] shall be acted upon by the Court without ten days' notice to both parties and an opportunity to be heard thereon; a copy of said report and recommendations shall be delivered to the solicitors of the parties herein.

IT IS FURTHER ORDERED AND PROVIDED that the said receiver shall, at all reasonable times, have ingress to and egress from said properties for the purpose of examining the same, and with such assistance as may be reasonable so to do. The receiver shall also have full access, at all reasonable times, to the books of accounts, and records and logs of wells of the said Universal Oil Company with reference to said properties.

In the event the complainant herein desires to make an examination of the said property and the wells in addition to the examination herein provided to be made by such receiver, it shall be permitted to make such examination at its own expense.

IT IS FURTHER ORDERED that a bond in the sum of One Thousand Dollars (\$1,000.00) to be approved by this Court shall be given by the receiver within fifteen days from the filing of this order; provided the solicitors for the complainant or for the defendants, or either of them, may at any time upon one day's notice to counsel for the opposite parties, apply to the Court for an increase in the amount of the said bond.

Any moneys coming into the hands of the said receiver shall be deposited in The Bank of California, The National Association, in the city of San Francisco, State of California, and shall draw interest at the rate of at least three per cent per annum and shall be deposited in the name of said receiver and shall remain in said bank subject to the further order of this Court, both as to the amounts of money so deposited and the accumulation of interest thereon; provided that if said bank declines or refuses such rate of interest, then said moneys may be deposited in some other bank to be agreed upon by the parties [88] or to be designated by the Court; provided that the said receiver from the moneys received by him each month from the sale and disposition of oil and gas from said properties may deposit in a bank and in a noninterest-bearing account so much of said funds as may be necessary to pay the monthly operating and management expenses and the monthly current expenses of the receiver in the execution of this order; provided that said receiver shall not have on hand at any one time moneys in excess of One Thousand Dollars (\$1,000.00) which



are not deposited in The Bank of California, The National Association, in said interest-bearing account as aforesaid.

The amount of compensation to be paid to the receiver in this suit is to be determined hereafter, but in no event shall said sum, paid as compensation for services to the receiver in this action, together with such sums as may be paid said receiver for services as receiver of other oil and gas properties in suits brought in this court similar to this suit exceed the sum of Five Thousand Dollars per annum.

Done in open court this 20th day of December, 1916.

R. S. BEAN.

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Order Appointing Receiver. Filed Dec. 20, 1916. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, San Francisco, California. [89]

*In the District Court of the United States, for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

THE UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants.

**Petition for Appeal by the Lost Hills Mining  
Company, a Corporation, and the Universal  
Oil Company, a Corporation.**

The above-named defendants, Lost Hills Mining Company, a corporation, and Universal Oil Company, a corporation, feeling themselves aggrieved by the order and decree made on the 20th day of December, 1916, in the above-entitled case, wherein the above-entitled court made its order appointing Howard M. Payne receiver of those certain properties and lands, to wit: The southwest quarter (SW.1/4) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and situated in Kern County, California, involved in the above-entitled action, do hereby appeal from said order and decree to the United States Circuit Court of Appeals for the Ninth Circuit for the reasons, and upon the grounds, specified in the assignment of errors, which is filed

herewith. Said defendants pray that this appeal may be allowed, and that a transcript of the record, proceedings, and papers upon which such order was made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit.

Dated January 15th, 1917.

JOSEPH. D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants, the Lost Hills Mining Company and the Universal Oil Company.

OSCAR SUTRO,

Of Counsel. [90]

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendant. Petition for Appeal by the Lost Hills Mining Company, a Corporation, and the Universal Oil Company, a Corporation. Service of the within petition for appeal is hereby acknowledged this 15th day of January, 1917. E. J. Justice, Albert Schoonover, Frank Hall, Attorneys for Appellees. Filed Jan. 16, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Crocker Building, San Francisco. [91]

30072-17.

*In the District Court of the United States, for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Undertaking on Appeal.**

KNOW ALL MEN BY THESE PRESENTS:  
That the undersigned, the United States Fidelity &  
Guaranty Company, a corporation, duly organized  
and existing and doing business under and by virtue  
of the laws of the State of Maryland is held and  
firmly bound unto the above-named respondent, the  
United States of America, in the sum of Five Hun-  
dred Dollars (\$500.00) to be paid to said United  
States of America, for the payment of which, well  
and truly to be made, the undersigned binds itself,  
its successors and assigns firmly by these presents.

IN WITNESS WHEREOF, The said United  
States Fidelity & Guaranty Company has caused  
this obligation to be signed by its duly authorized  
attorney in fact, and its corporate seal to be hereunto  
affixed at San Francisco, California, this 15th day  
of January, A. D. 1917.

The condition of this bond is such that whereas the above-named defendants, Lost Hills Mining Company, a corporation and Universal Oil Company, a corporation, have prosecuted an appeal to the United States Circuit Court of Appeals, Ninth Circuit, to reverse the decree and order made in the above-entitled [92] action on the 20th day of December, 1916, appointing Howard M. Payne receiver of certain properties of the said defendants by the District Court of the United States, for the Southern District of California, Northern Division.

NOW, THEREFORE, the condition of this obligation is such that if the above-named Lost Hills Mining Company, a corporation, and Universal Oil Company, a corporation, shall prosecute said appeal to effect and answer all damages and costs if they fail to make said appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

UNITED STATES FIDELITY & GUAR-  
ANTY COMPANY,

[Seal]

By H. B. D. JOHNS,

Attorney in Fact.

By W. S. ALEXANDER,

Attorney in Fact.

Approved.

M. T. DOOLING,

Judge.

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills



Mining Company and Universal Oil Company, Defendants. Undertaking on Appeal. Filed Jan. 16, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Crocker Bldg., San Francisco. [93]

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*In the District Court of the United States, for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Order Allowing Appeal.**

On motion of Joseph D. Redding, Esq., one of the solicitors for the defendants, the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, and on filing the petition of said defendants for an order allowing an appeal, together with an assignment of errors and a prayer for the reversal of the order appointing a receiver,—

IT IS HEREBY ORDERED that an appeal be, and is hereby, allowed to the United States Circuit Court of Appeals for the Ninth Circuit from the order given and made on the 20th day of December,

1916, and filed in the District Court of the United States for the Southern District of California, Northern Division, appointing Howard M. Payne as receiver to take charge of the property of said defendants, and each of them.

IT IS FURTHER ORDERED that a transcript of the record, proceedings, papers and exhibits upon which said order was made, duly authenticated and certified, be forthwith transmitted to said United States Circuit Court of Appeals for the Ninth Circuit.

IT IS FURTHER ORDERED that the bond on appeal be fixed at Five Hundred (\$500.00), to be approved by the Court.

Dated January 15, 1917.

M. T. DOOLING,  
District Judge. [94]

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Order Allowing Appeal. Service of the within order allowing appeal is hereby acknowledged this 15th day of January, 1917. E. J. Justice, Albert Schoonover, Frank Hall, Attorneys for Appellees. Filed Jan. 16, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Crocker Bldg., San Francisco. [95]

*In the District Court of the United States for the  
Southern District of California, Northern Divi-  
sion, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Assignment of Errors on Appeal of the Lost Hills  
Mining Company, a Corporation, and the Uni-  
versal Oil Company, a Corporation, Defendants,  
and Prayer for Reversal of Order Appointing  
Receiver.**

Now come the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, and having prayed for an appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the order and decree of the above-entitled United States District Court made on the 20th day of December, 1916, wherein and whereby one Howard M. Payne was appointed Receiver of the following described property, to wit: Southwest quarter (SW.  $\frac{1}{4}$ ) of section eighteen (18), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and situated in Kern County, California, respectfully represent as grounds of appeal and as assignment of errors herein, and do hereby assign that the above-entitled

United States District Court erred in the following particulars:

I.

That the United States District Court erred in making said order and in appointing said receiver.  
[96]

II.

That said District Court erred in making said order in this that said Court had not, nor had the Judge thereof, any jurisdiction to make said order appointing said receiver.

III.

That said District Court erred in not granting the motion of defendants to dismiss the bill of complaint herein.

IV.

That said District Court erred in holding that said District Court had any jurisdiction to try any of the issues involved in the above-entitled action.

V.

That said District Court erred in refusing to grant the motion of defendants to dismiss the bill of complaint on the ground that the sole jurisdiction to determine the issues involved in said action was, at all times since the commencement of this action, and still is, in the General Land Department of the United States.

VI.

That said District Court erred in holding that the General Land Department of the United States to whom application had been made for a patent to the lands involved in said action, did not have exclusive

jurisdiction to determine all the issues involved in the above-entitled action.

VII.

That said District Court erred in retaining jurisdiction of the subject matter of said suit and in appointing said receiver for the reason that the General Land Department of the United States had exclusive jurisdiction to determine all issues in said suit

VIII.

That said District Court erred in not holding that the [97] General Land Office before whom application for patent to the aforesaid lands were pending was the only tribunal competent and having power and jurisdiction to pass upon the issues involved in the above-entitled action.

IX.

That said District Court erred in holding that it had jurisdiction to determine the question of title to the lands involved in this action when it affirmatively appeared that patent had been applied for by defendants to the lands involved in this action, and there was pending an undetermined contest in the General Land Department of the United States.

X.

That said District Court erred in refusing to grant the motion of said defendants to dismiss the bill of complaint on the ground that the Court had no jurisdiction to try the issues involved in said suit for the reason that the defendant, Lost Hills Mining Company, had duly made and filed its application for patent to said lands in the proper land office of the United States, at Visalia, California, wherein



and whereby it did apply to the United States of America, and to the General Land Department thereof in accordance with the laws of the United States of America, and the rules and regulations of the Department of the Interior in reference thereto, which said application for patent was, at the time of the making of said order appointing said receiver, to wit, on the 20th day of December, 1916, and at the time of the hearing of said motion of said defendants to dismiss said bill of complaint and of the motion for a receiver, to wit, on the 21st, 22d, 23d, 24th, 25th, 28th and 29th days of August, 1916, still pending in the Land Department of the United States and undetermined and the evidence upon the hearings of said application for said patent was not yet in process of being taken in the General Land Department of the United States.

[98]

## XI.

That said District Court erred in refusing to grant the motion of the said defendants to dismiss said action, and furthermore erred in making said order in appointing a receiver in this that the said Court never has had, and has not at the present time, any jurisdiction of the subject matter of this action.

## XII.

That said District Court erred in holding and in construing the above-entitled action as one brought for ancillary relief.

## XIII.

That said District Court erred in holding that upon the complaint filed in the above-entitled action,

it had jurisdiction to grant relief by the appointment of a receiver as ancillary to the proceedings in the General Land Department of the United States.

XIV.

That the said District Court erred in not holding that it had no jurisdiction to grant the ultimate relief asked for in the bill of complaint, and therefore that it had no jurisdiction to grant ancillary relief by the appointment of a receiver.

XV.

That said District Court erred in appointing a receiver upon the bill of complaint as filed and regarding the action as ancillary to the proceedings in the Land Department, whereas this action, as a matter of fact, was and is in opposition to and in disregard of the proceedings in the Land Department.

XVI.

That said District Court erred in making said order appointing said receiver in this that said Court abused its discretion and committed an abuse of discretion in making said order. [99]

XVII.

That said District Court erred in making said order in that the complaint of plaintiff in said action did not show facts justifying the appointment of a receiver.

XVIII.

That said District Court erred in directing the receiver to take charge of the oil and gas produced from said lands and to dispose of the same.

XIX.

That said District Court erred in holding that the

complainant was not amply protected as to all of its rights in the General Land Department of the United States by reason of the application for patent to said lands involved herein on the part of the defendant, Lost Hills Mining Company, herein, and the application on the part of the defendants, Lost Hills Mining Company, a corporation, and Universal Oil Company, a corporation, for leases under the terms and provisions of the Act of Congress of August 25th, 1914, entitled "An Act to Amend an Act Entitled 'An act to Protect the Locators in Good Faith of Oil and Gas Land Who Shall Have Effected an Actual Discovery of Oil or Gas on the Public Lands of the United States, or Their Successors in Interest,' Approved March 2d, 1911."

## XX.

That said District Court erred in making said decree and order appointing a receiver in said action in that the complaint contains no allegation that the properties in question have been, or are being mismanaged, nor was any evidence introduced, nor did the Court hold that the said properties have not been, or are not being properly and economically managed, and furthermore the complaint in this action does not allege, nor did the evidence offered at the hearing of said application show, or tend to show, that any of the defendants are insolvent, nor [100] was any evidence offered or introduced to show, nor did the Court hold that in the management and operation of said properties said defendants conducted such management and the operation in any manner different from the management and

operation thereof as the same could, would or should be conducted by a receiver who might be appointed in the premises.

XXI.

That said District Court erred in appointing said receiver in that there was no evidence whatsoever introduced showing any necessity for the appointment of a receiver in the above-entitled action, or that any property whatsoever was being wasted or any oil or gas being taken from the land involved in the above-entitled action.

XXII.

That said District Court erred in making said order and decree in that said order is against the evidence presented at the hearing of said motion for a receiver.

XXIII.

That said District Court erred in making said order and decree appointing said receiver in that said order and decree is against law.

WHEREFORE the defendants, Lost Hills Mining Company, a corporation, and Universal Oil Company, a corporation, pray that said order appointing said receiver herein may be directed to be expunged from the records of said District Court for want of jurisdiction in said court to give and make said order appointing a receiver, and that the order appointing said receiver be corrected and reversed and the receiver discharged, and all properties received by said receiver from these defendants be returned to them; in order that the foregoing assignment of errors may be and appear of record

the defendants above named present the same to this Court and pray that such disposition may be made thereof as by the law and statutes of the United States in such case [101] made and provided.

Dated January 15th, 1917.

JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants.

OSCAR SUTRO,  
Of Counsel.

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Assignment of Errors on Appeal. Service of the within assignment of errors is hereby acknowledged this 15th day of January, 1917. E. J. Justice, Albert Schoonover, Frank Hall, Attorneys for Appellees. Filed Jan. 16, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Lost Hills Mining Co. and Universal Oil Company, Crocker Building, San Francisco. [102]



*In the District Court of the United States, for  
the Southern District of California, Northern  
Division, Ninth Circuit.*

IN EQUITY—No. A-57.

THE UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants.

**Stipulation Re Allowance of Appeal.**

IT IS HEREBY STIPULATED between the parties hereto that the petition for appeal and assignment of errors in the above-entitled action may be presented for allowance by the defendants, the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, to the Honorable Maurice T. Dooling, regularly sitting by special assignment in the above-entitled court in special session held in the city and county of San Francisco, State of California, and that said Honorable Maurice T. Dooling may sign and allow said appeal, while sitting as aforesaid by special assignment in said special session in said city and county of San Francisco, State of California, and may sign the order allowing the appeal and the citation of appeal and approve the bond furnished by said defendants on appeal, and

IT IS FURTHER STIPULATED that no objection or advantage shall be taken of the fact that the Court is holding special session in the city and county of San Francisco, State of California, and that the said appeal and the allowance thereof are presented and allowed by a Judge of said court, other than the Judge who made the order from which this appeal is taken.

Dated January 15th, 1917. [103]

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for the Lost Hills Mining Company and  
the Universal Oil Company, Defendants and  
Appellants.

OSCAR SUTRO,

Of Counsel.

E. J. JUSTICE,

ALBERT SCHOONOVER,

FRANK HALL,

Solicitors for Complainant and Respondent.

[Endorsed]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Stipulation on Appeal. Filed Jan. 16, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Crocker Bldg., San Francisco. [104]

*In the District Court of the United States for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,  
Plaintiff and Appellee,  
vs.

LOST HILLS MINING COMPANY and UNIVERSAL OIL COMPANY,  
Defendants and Appellants.

**Stipulation and Order Enlarging Time to and  
Including March 18, 1917, for Filing of Statement of Evidence.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, each a corporation, may have up to and including the 18th day of March, 1917, within which to file for approval its statement of the evidence to be included in the record on appeal, as provided for in Equity Rule No. 75, and that the plaintiff and appellee may have ten days from and after receiving notice of the filing of said statement of evidence with the clerk of the above-entitled court within which to file objections and proposed amendments thereto.

Dated February 13, 1917.

ALBERT SCHOONOVER,

United States Attorney,

E. J. JUSTICE,

Special Assistant to the Attorney General,

A. E. CAMPBELL,

Special Assistant to the Attorney General.

FRANK HALL,

Special Assistant to the Attorney General,

Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.

It is ordered.

M. T. DOOLING,

District Judge. [105]

[Endorsements]: Original. In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Stipulation Enlarging Time for Filing Statement of Evidence. Filed Feb. 16, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding, and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Solicitors for Defendants. [106]

*In the District Court of the United States for the  
Southern District of California, Northern Di-  
vision, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff and Appellee,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants.

**Stipulation and Order Enlarging Time to and  
Including May 18, 1917, for Filing of State-  
ment of Evidence.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, each a corporation, may have up to and including the 18th day of May, 1917, within which to file for approval their statement of evidence to be included in the record on appeal, as provided for in Equity Rule No. 75, and that the plaintiff and appellee, may have ten days from and after receiving notice of the filing of said statement of evidence with the clerk of the above-entitled court within which to file objections and proposed amendments thereto.



Dated March 12, 1917.

ALBERT SCHOONOVER,

United States Attorney,

E. J. JUSTICE,

Special Assistant to the Attorney General,

A. E. CAMPBELL,

Special Assistant to the Attorney General,

FRANK HALL,

Special Assistant to the Attorney General,

Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.

It is ordered.

M. T. DOOLING,

District Judge. [107]

[Endorsed]: Original. In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Stipulation and Order Enlarging Time for Filing Statement of Evidence. Filed Mar. 13, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding, and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Solicitors for Defendants. [108]

*In the District Court of the United States for the  
Southern District of California, Northern Di-  
vision, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,  
Plaintiff and Appellee,  
vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants and Appellants.

**Stipulation and Order Enlarging Time to and  
Including July 18, 1917, for Filing of Statement  
of Evidence.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, each a corporation, may have up to and including the 18th day of July, 1917, within which to file for approval their statement of evidence to be included in the record on appeal, as provided for in Equity Rule No. 75, and that the plaintiff and appellee may have ten days from and after receiving notice of the filing of said statement of evidence with the clerk of the above-entitled court within which to file objections and proposed amendments thereto.

Dated May 14th, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,  
Special Assistant to the Attorney General,  
A. E. CAMPBELL,  
Special Assistant to the Attorney General,  
FRANK HALL,  
Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.  
JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants and Appellants.

It is ordered.

M. T. DOOLING,  
District Judge. [109]

[Endorsements]: In Equity—A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff and Appellee, vs. Lost Hills Mining Company and Universal Oil Company, Defendants and Appellants. Stipulation Enlarging Time for Filing Statement of Evidence. Filed May 15, 1917. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants and Appellants, Crocker Building, San Francisco. [110]

*In the District Court of the United States for the  
Southern District of California, Northern Di-  
vision, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff and Appellee,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants.

**Stipulation and Order Enlarging Time to and  
Including September 18, 1917, for Filing of  
Statement of Evidence.**

IT IS HEREBY STIPULATED by and between the parties hereto by their respective solicitors, in the above-entitled cause, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, each a corporation, may have up to and including the 18th day of September, 1917, within which to file for approval their statement of evidence to be included in the record on appeal, as provided for in Equity Rule No. 75, and that the plaintiff and appellee may have ten days from and after receiving notice of the filing of said statement of evidence with the clerk of the above-entitled court within which to file objections and proposed amendments thereto.

Dated July 6th, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,  
Special Assistant to the Attorney General,  
FRANK HALL,  
Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.  
JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants and Appellants.

It is ordered.

WM. M. MORROW,  
District Judge. [111]

[Endorsed]: In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Ptf. and Appellee, vs. Lost Hills Mining Company and Universal Oil Company, Dfts. and Appellants. Stipulation Enlarging Time for Filing Statement of Evidence. Filed Jul. 14, 1917. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Solicitors for Defendants and Appellants. [112]



*In the District Court of the United States for the  
Southern District of California, Northern Di-  
vision, Ninth Circuit.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,  
Plaintiff and Appellee,  
vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants and Appellants.

**Stipulation and Order Enlarging Time to and  
Including November 18, 1917, for Filing of  
Statement of Evidence.**

IT IS HEREBY STIPULATED by and between the parties hereto by their respective solicitors, in the above-entitled cause, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, each a corporation, may have up to and including the 18th day of November, 1917, within which to file for approval their statement of the evidence to be included in the record on appeal, as provided for in Equity Rule No. 75, and that the plaintiff and appellee may have ten days from and after receiving notice of the filing of said statement of evidence with the clerk of the above-entitled court within which to file objections and proposed amendments thereto.

Dated September 10, 1917.

ALBERT SCHOONOVER,  
United States Attorney,

HENRY F. MAY,

Special Assistant to the Attorney General,

FRANK HALL,

Special Assistant to the Attorney General,

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Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.

It is ordered.

WM. H. HUNT,  
Judge. [113]

[Endorsed]: In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Stipulation Enlarging Time for Filing Statement of Evidence. Filed Sep. 14, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Solicitors for Defendants. [114]

*In the District Court of the United States for the  
Southern District of California, Northern Di-  
vision.*

IN EQUITY—No. A-37.

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

DEVIL'S DEN CONSOLIDATED OIL COM-  
PANY, ASSOCIATED OIL COMPANY and  
STANDARD OIL COMPANY,  
Defendants.

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY and ASSOCIATED  
OIL COMPANY,  
Defendants.

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants.

**Stipulation for but One Transcript of the Record and Statement of Evidence on Appeal, as to the Use Thereof on Appeal, and for the Time of Filing of Statement of Evidence.**

IT IS HEREBY STIPULATED and agreed by and between the parties in the above-entitled causes, by their respective counsel, [115] that in perfecting the record for appeals of the above-entitled causes, to the United States Circuit Court of Appeals, only one record of the statement of the evidence to be incorporated in the record on appeal, shall be required, to wit, the statement of the evidence in case No. A-52; such record to include such of the clerk's records in each of said within causes as desired by either of the parties; and one statement of the evidence introduced upon the hearing of the application for a receiver in said causes, the same having been at that time consolidated for said hearing, and such record when so approved may be used by the defendants, or either of them, or by the plaintiff as the record on appeal in either or all of such causes, when and where applicable and relevant.

IT IS FURTHER STIPULATED by and between the parties in the above-entitled causes that the defendants therein may have until the 30th day of October, 1917, within which to file for approval its statement of the evidence to be included in the

record on appeal as provided for in equity rule No. 75.

JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants and Appellants.

ROBERT O'CONNOR,  
United States Attorney,

HENRY F. MAY,

FRANK HALL,

Special Assistants to the Attorney General,  
Solicitors for the Plaintiff and Appellee. [116]

[Endorsed]: In the District Court of the United States for the Southern District of California, Northern Division. United States of America, Plaintiff, vs. Devil's Den Consolidated Oil Co. et al., Defendants. No. A-37. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. No. A-52. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. No. A-57. Stipulation for but One Transcript of the Record and Statement of Evidence on Appeal, as to the Use Thereof on Appeal, and for the Time of Filing of Statement of Evidence. Filed Oct. 18, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Solicitors for Defendants. [117]



*In the District Court of the United States, for the  
Southern District of California, Northern Division,  
Ninth Circuit.*

Honorable ROBERT S. BEAN, Judge Presiding.

IN EQUITY—No. A-37.

UNITED STATES OF AMERICA,  
Complainant,

vs.

DEVIL'S DEN CONSOLIDATED OIL COM-  
PANY, et al.,

Defendants.

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,  
Complainant,

vs.

LOST HILLS MINING COMPANY, UNIVER-  
SAL OIL COMPANY and ASSOCIATED  
OIL COMPANY,

Defendants.

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,  
Complainant,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Stipulation for Approval of Statement of Evidence.**

[118]

IT IS STIPULATED by and between the parties to this cause, through their respective solicitors, that the foregoing statement of evidence may be approved by the Court or Judge, as the statement of evidence to be used for the purposes of defendants' appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit under Rule 75 of the "Rules of Practice for the Courts of Equity of the United States," and the complainant (United States of America) hereby expressly waives its right to have the statement of the evidence first lodged in the clerk's office for its examination, and further waives its right to the ten days' notice of the time and place when and where the defendants will ask the Court or Judge to approve the same, as provided in and by said Rule 75.

ROBERT O'CONNER,

United States District Attorney.

HENRY F. MAY,

Special Assistant to the Attorney General,

FRANK HALL,

Special Assistant to the Attorney General, Solicitors  
for Complainant.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants. [119]

[Endorsed]: A-37—Eq. In the District Court of  
the United States, for the Southern District of Cali-

fornia, Northern Division, Ninth Circuit. United States of America vs. Devil's Den Consolidated Oil Company et al. In Equity—No. A-37. United States of America vs. Lost Hills Mining Company et al., In Equity—Nos. A-52, A-57. Filed Oct. 1, 1917. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. Albert Schoonover, U. S. Dist. Atty. Frank Hall, Henry F. May, Special Assistants to the Attorney General, Solicitors for Complainant. Joseph D. Redding, Morrison, Dunne & Brobeck, Solicitors for Defendants. [120]

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*In the District Court of the United States for the  
Southern District of California, Northern Division.*

A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY, Corporations,  
Defendants.

**Notice of Election by Defendants, Lost Hills Mining  
Company and Universal Oil Company, as to  
Printing of Record.**

The Lost Hills Mining Company and Universal Oil Company, corporations, being the appellants in the above-entitled cause from an order of said Court to the United States Circuit Court of Appeals for the Ninth Circuit, hereby give notice that they

elect to take and file in the said Appellate Court, to be printed under the supervision of its clerk, under its rules, a transcript of such portions of the record as may be duly settled under Rule 75 of the "Rules of Practice for the Courts of Equity of the United States," duly authenticated, and also in accordance with the stipulation heretofore filed in this cause employing the record of the transcript of proceedings in the case A-52 as provided in said stipulation.

Dated Oct. 16th, 1917.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants. [121]

[Endorsed]: A-57. In the District Court of the United States, for the Southern District of California, Northern Division. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Notice of Election by Defendants as to Printing of Record. Filed Oct. 18, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Solicitors for Defendants. [122]

*In the District Court of the United States, for the  
Southern District of California, Northern Division.*

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants.

**Praeipce for Transcript on Appeal by Defendants  
Lost Hills Mining Company and Universal Oil  
Company, Corporations.**

To William M. Van Dyke, Clerk of the District Court  
of the United States for the Southern District  
of California, Northern Division:

Please prepare and duly authenticate for the appeal of the defendants, Lost Hills Mining Company and Universal Oil Company, corporations, to the United States Circuit Court of Appeals for the Ninth Circuit from the order appointing a receiver in the above-entitled suit entered on December 21, 1916, a transcript incorporating the following portions of the record therein and none other:

1. Bill of Complaint.
2. Answer of Defendants Universal Oil Company and Lost Hills Mining Company to the Bill of Complaint.



3. Notice of Motion to Have the Jurisdictional Defense of the Defendants Separately Heard and Disposed of.
4. Notice of Motion for Restraining Order and Appointment of Receiver.
5. Hearing Orders Entered July 28th, 1916.
6. Three Motions Filed August 15, 1916, and Orders Thereon. [123]
7. Orders on Hearing August 16, August 17, August 21, August 22, August 23, August 24, August 25, August 28, August 29, 1916.
8. Hearing Order of October 4, 1916.
9. Order December 21, 1916, Appointing Howard M. Payne, Receiver.
10. The Petition of the Lost Hills Mining Company and Universal Oil Company for Their said Appeal.
11. Undertaking on Appeal.
12. Order Allowing Appeal.
13. Assignment of Errors for such Appeal.
14. The Orders of the Court or Judge Allowing Such Appeal.
15. The Citation Issued on Such Appeal Showing Service Thereof.
16. Each and All of the Several Stipulations Entered into Between Counsel Extending the Return Day of the Citation; Stipulations Extending the Time in Which the Statement of Evidence to be Incorporated in the Record on Appeal Shall be Filed; Stipulation With Reference to Consolidating the Record and Printing of One Transcript Thereof in

the Above-entitled Case, and also in A-37 and A-52; All Stipulations With Reference to Perfecting the Appeal in the Above-entitled Case.

17. Stipulation entered into in the above-entitled cause and also in A-52 for the Approval of Statement of Evidence.
18. Notice of Election by Defendants and Appellants as to Printing Record.
19. This Praecipe.

Dated Los Angeles, California, October 16th, 1917.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants. [124]

[Endorsed]: In Equity—No. A-57. In the District Court of the United States, for the Southern District of California, Northern Division. United States of America, Plaintiff, vs. Lost Hills Mining Company and Universal Oil Company, Defendants. Praecipe for Transcript on Appeal. Filed Oct. 18, 1917. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding and Morrison, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Solicitors for Defendants. [125]

*In the District Court of the United States of America, in and for the Southern District of California, Northern Division.*

IN EQUITY—No. A-57.

THE UNITED STATES OF AMERICA,  
Complainants,  
vs.

LOST HILLS MINING COMPANY, a Corporation,  
and UNIVERSAL OIL COMPANY, a Corporation,  
Defendants.

**Certificate of Clerk U. S. District Court to Transcript of Record.**

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing one hundred and twenty-five typewritten pages, numbered from 1 to 125, inclusive and comprised in one volume, to be a full, true and correct copy of the record, proceedings and papers upon which the order and decree made on the 20th day of December, 1916, in the above-entitled case, wherein the above-entitled court made its order appointing Howard M. Payne, receiver, and that the same together constitute the record in said cause as specified in the said praecipe filed in my office on behalf of appellants, Lost Hills Mining Company, a corporation and Universal Oil Company, a corporation, by their solicitors of record.

I do further certify that the cost of the foregoing record is \$43.10, the amount whereof has been paid me by [126] Lost Hills Mining Company, a corporation, and Universal Oil Company, a corporation, the appellants herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, this 14th day of December, in the year of our Lord one thousand nine hundred and seventeen and of our Independence the one hundred and forty-second.

[Seal]

WM. M. VAN DYKE,

Clerk of the District Court of the United States of America, in and for the Southern District of California. [127]

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[Endorsed]: No. 3096. United States Circuit Court of Appeals for the Ninth Circuit. Lost Hills Mining Company, a Corporation, and Universal Oil Company, a Corporation, Appellants, vs. The United States of America, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Southern District of California, Northern Division.

Filed December 17, 1917.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants,

vs.

UNITED STATES OF AMERICA,

Plaintiff and Appellee.

**Stipulation and Order Enlarging Time to and  
Including March 18, 1917, to Return Citation.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, which case is In Equity No. A-57, in the District Court of the United States for the Southern District of California, Northern Division, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, may have up to and including the 18th day of March, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit may be enlarged and extended up to and including said 18th day of March, 1917.



Dated February 13, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,  
Special Assistant to the Attorney General,  
A. E. CAMPBELL,  
Special Assistant to the Attorney General,  
FRANK HALL,  
Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.  
JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants and Appellants.

**Order.**

This cause coming on to be heard upon the application of Lost Hills Mining Company and Universal Oil Company, defendants and appellants, for an enlargement of the return of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing that a stipulation by and between the parties has been filed herein providing that the return day on such citation may be extended up to and including the 18th day of March, 1917;

IT IS HEREBY ORDERED that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit be and the same hereby is enlarged and extended up to and including the 18th day of March, 1917.

Dated February 15, 1917.

WM. W. MORROW,  
Circuit Judge.

[Endorsed]: No. —. Original. In the United States Circuit Court of Appeals, Ninth Judicial Circuit. Lost Hills Mining Company and Universal Oil Company, Appellants, vs. United States of America, Appellee. Stipulation Enlarging Time to Return Citation and Order. Filed Feb. 15, 1917. F. D. Monckton, Clerk.

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,  
Defendants and Appellants,  
vs.

UNITED STATES OF AMERICA,  
Plaintiff and Appellee.

**Stipulation and Order Enlarging Time to and  
Including May 18, 1917, to Return Citation.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, which case is In Equity No. A-57, in the District Court of the United States for the Southern District of California, Northern Division, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, may have up to and including the 18th day of May, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and that the return day of the citation on appeal to the United States Circuit Court of Appeals

for the Ninth Circuit may be enlarged and extended up to and including said 18th day of May, 1917.

Dated March 12, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,

Special Assistant to the Attorney General,  
A. E. CAMPBELL,

Special Assistant to the Attorney General,  
FRANK HALL,

Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.

**Order.**

This cause coming on to be heard on application of the Lost Hills Mining Company and Universal Oil Company, defendants and appellants, for an enlargement of the return of citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and for an extension of time within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing that a stipulation by and between the parties has been filed herein providing that the return day on such citation may be extended up to and including the 18th day of May, 1917, and that the appellants may have up to and including said 18th day of May, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit;

IT IS HEREBY ORDERED that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit be and the same is hereby enlarged and extended up to and including the 8th day of May, 1917, and the said appellants are hereby given up to and including the said 18th day of May, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit.

Dated March 12, 1917.

WM. W. MORROW,  
Circuit Judge.

[Endorsed]: No. ——. Original. In the United States Circuit Court of Appeals, Ninth Judicial Circuit. Lost Hills Mining Company and Universal Oil Company, Appellants, vs. United States of America, Appellee. Stipulation Enlarging Time to Return Citation. Order. Filed Mar. 12, 1917. F. D. Monckton, Clerk.

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants,

vs.

UNITED STATES OF AMERICA,

Plaintiff and Appellee.

**Stipulation and Order Enlarging Time to and  
Including July 18, 1917, to Return Citation.**

IT IS HEREBY STIPULATED by and between

the parties hereto, by their respective solicitors, in the above-entitled cause, which case is In Equity—No. A-57, in the District Court of the United States for the Southern District of California, Northern Division, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, may have up to and including the 18th day of July, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit may be enlarged and extended up to and including said 18th day of July, 1917.

Dated May 14th, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,

Special Assistant to the Attorney General,  
A. E. CAMPBELL,  
Special Assistant to the Attorney General,  
FRANK HALL,

Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.

### **Order.**

This cause coming on to be heard on application of the Lost Hills Mining Company and Universal Oil Company, defendants and appellants, for an enlargement of the return of citation on appeal to the



United States Circuit Court of Appeals for the Ninth Circuit, and for an extension of time within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing that a stipulation by and between the parties has been filed herein providing that the return day on such citation may be extended up to and including the 18th day of July, 1917, and that the appellants may have up to and including said 18th day of July, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit;

IT IS HEREBY ORDERED that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit be and the same is hereby enlarged and extended up to and including the 18th day of July, 1917, and the said appellants are hereby given up to and including the said 18th day of July, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit.

Dated May 14, 1917.

WM. W. MORROW,  
Circuit Judge.

[Endorsed]: No. ——. In the United States Circuit Court of Appeals, Ninth Judicial Circuit. Lost Hills Mining Company and Universal Oil Company, Appellants, vs. United States of America, Appellee. Stipulation Enlarging Time to Return Citation and Order. Filed May 17, 1917. F. D. Monekton, Clerk.

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants,

vs.

UNITED STATES OF AMERICA,

Plaintiff and Appellee.

**Stipulation and Order Enlarging Time to and  
Including September 18, 1917, to Return Cita-  
tion.**

IT IS HEREBY STIPULATED by and between the parties hereto by their respective solicitors, in the above-entitled cause, which case is In Equity No. A-57, in the District Court of the United States for the Southern District of California, Northern Division, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, may have up to and including the 18th day of September, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit may be enlarged and

extended up to and including said 18th day of September, 1917.

ALBERT SCHOONOVER,  
United States Attorney,  
E. J. JUSTICE,

Special Assistant to the Attorney General,  
FRANK HALL,  
Special Assistant to the Attorney General,

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Special Assistant to the Attorney General,  
Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,  
MORRISON, DUNNE & BROBECK,  
Solicitors for Defendants and Appellants.

**Order.**

This cause came on to be heard on application of the Lost Hills Mining Company and Universal Oil Company, defendants and appellants, for an enlargement of the return of citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and for an extension of time within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing that a stipulation by and between the parties has been filed herein providing that the return day on such citation may be extended up to and including the 18th day of September, 1917, and that the appellants may have up to and including said 18th day of September, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit;

IT IS HEREBY ORDERED that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit be and the same is hereby enlarged and extended up to and including the 18th day of September, 1917, and the said appellants are hereby given up to and including the said 18th day of September, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit.

Dated July 13, 1917.

WM. W. MORROW,  
Circuit Judge.

[Endorsed]: In Equity. No. ——. In the United States Circuit Court of Appeals, Ninth Judicial Circuit. Lost Hills Mining Company and Universal Oil Company, Dfts. and Appellants, vs. United States of America, Ptf. and Appellee. Stipulation Enlarging Time to Return Citation. Order. Filed Jul. 13, 1917. F. D. Monckton, Clerk.

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Defendants and Appellants,

vs.

UNITED STATES OF AMERICA,

Plaintiff and Appellee.

**Stipulation and Order Enlarging Time to and Including November 18, 1917, to Return Citation.**

IT IS HEREBY STIPULATED by and between the parties hereto, by their respective solicitors, in the above-entitled cause, which case is In Equity—No. A-57, in the District Court of the United States for the Southern District of California, Northern Division, that the defendants and appellants, Lost Hills Mining Company and Universal Oil Company, may have up to and including the 18th day of November, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit may be enlarged and extended up to and including said 18th day of November, 1917.

Dated September 10, 1917.

ALBERT SCHOONOVER,

United States Attorney,

HENRY F. MAY,

Special Assistant to the Attorney General,

FRANK HALL,

Special Assistant to the Attorney General,

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Special Assistant to the Attorney General,

Solicitors for Plaintiff and Appellee.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Solicitors for Defendants and Appellants.



**Order.**

This cause coming to be heard on application of the Lost Hills Mining Company and Universal Oil Company, defendants and appellants, for an enlargement of the return of citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and for an extension of time within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing that a stipulation by and between the parties has been filed herein providing that the return day on such citation may be extended up to and including the 18th day of November, 1917, and that the appellants may have up to and including said 18th day of November, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit;

IT IS HEREBY ORDERED that the return day of the citation on appeal to the United States Circuit Court of Appeals for the Ninth Circuit be and the same is hereby enlarged and extended up to and including the 18th day of November, 1917, and the said appellants are hereby given up to and including the said 18th day of November, 1917, within which to file their transcript on appeal in the United States Circuit Court of Appeals for the Ninth Circuit.

Dated September 10, 1917.

WM. H. HUNT,  
Circuit Judge.

[Endorsed]: No. ——. In the United States Circuit Court of Appeals, Ninth Judicial Circuit. Lost

Hills Mining Company and Universal Oil Company,  
Dfts. and Appellants, vs. United States of America,  
Ptf. and Appellee. Stipulation Enlarging Time to  
Return Citation. Order. Filed Sep. 12, 1917. F.  
D. Monckton, Clerk.

*United States Circuit Court of Appeals for the Ninth  
Circuit.*

In EQUITY—No. D. C. A-57.

LOST HILLS MINING COMPANY and UNI-  
VERSAL OIL COMPANY,

Appellants,

vs.

THE UNITED STATES OF AMERICA,

Appellee.

**Order Enlarging Time to December 18, 1917, to File  
Record and Docket Cause Under Subdivision 1  
of Rule 16.**

Upon application of Mr. Joseph D. Redding, coun-  
sel for the appellants, and good cause therefor ap-  
pearing, it is ORDERED that the return day of the  
Citation on Appeal to the United States Circuit  
Court of Appeals for the Ninth Circuit be, and the  
same is hereby enlarged and extended to and includ-  
ing the 18th day of December, 1917, and the said  
appellants are hereby given up to and including the  
said 18th day of December, 1917, within which to file  
their Transcript of Record on Appeal, and docket the  
above-entitled cause in this court.

San Francisco, California, November 7, 1917.

WM. H. HUNT,  
United States Circuit Judge.

[Endorsed]: No. ——. United States Circuit Court of Appeals for the Ninth Circuit. Order Under Rule 16 Enlarging Time to and Including Dec. 18, 1917, to File Record Thereof and to Docket Case. Filed Nov. 7, 1917. F. D. Monckton, Clerk.

No. 3096. United States Circuit Court of Appeals for the Ninth Circuit. Six Orders Under Rule 16 Enlarging Time to December 18, 1917, to File Record Thereof and to Docket Case. Refiled Dec. 17, 1917. F. D. Monckton, Clerk.